

MARIN COUNTY SHERIFF'S OFFICE PERSONNEL INVESTIGATION WORKSHEET

1	S.I. or C.C. S.I.	ASSIGNED NUMBER: 13-10
DATE OF ALLEGED INCIDENT: 07/07/2013		
DATE COMPLAINT WAS INITIATED: 07/07/2013		

2	CITIZEN OR STAFF OFFICE MAKING COMPLAINT: [REDACTED]								
ADDRESS OF CITIZEN: 									
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WORK: ()									
CELL: ()									

3	SUMMARY OF ALLEGATION: Officer involved shooting		
SUBJECT EMPLOYEE #1: Kubota, Evan		DATE NOTIFIED:	SUBJECT EMPLOYEE #2
			DATE NOTIFIED:

4	CAPTAIN RECEIVING THE INVESTIGATION PACKAGE: [REDACTED]	DATE RECEIVED: 07/09/2013
5	DIVISION LIEUTENANT OR MANAGE RECEIVING PACKAGE: [REDACTED]	DATE RECEIVED: 07/09/2013
	PRIMARY INVESTIGATOR ASSIGNED: [REDACTED]	DATE RECEIVED: 07/07/2013

7	INVESTIGATION DUE: 09/02/2013	1ST EXTENSION:	AUTHORIZED BY:	2ND EXTENSION:	AUTHORIZED BY:

8	DATE DONE:	RECEIVED BY LIEUTENANT:	RECEIVED BY CAPTAIN: [REDACTED]	DATE: 2/4/14
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9	RECOMMENDATION/FINDING OF INVESTIGATION:	CONCURRENCE OF SHERIFF:	DATE:

10	CAPTAIN SENDS LETTER OF FINDINGS TO COMPLAINANT	DATE & INITIALS 8/26/14 [REDACTED]	11	CAPTAIN SENDS LETTER OF FINDINGS TO SUBJECT(S) OF INVESTIGATION	DATE & INITIALS 8/26/14 [REDACTED]
12	COMPLETE PACKAGE SENT TO CUSTODIAN OF RECORDS	DATE & INITIALS 8/26/14 [REDACTED]	13	CUSTODIAN PUTS COPY OF FINDINGS IN SUBJECT'S PERSONNEL FILE	DATE & INITIALS 8/26/14 [REDACTED]

Hand Delivered



OFFICE OF THE DISTRICT ATTORNEY
MARIN COUNTY, CALIFORNIA

*Prevention * Prosecution * Protection*

Edward S. Berberian
District Attorney

Barry G. Borden
CHIEF DEPUTY DISTRICT
ATTORNEY

December 5, 2013

PRESS RELEASE

Robert R. Guidi
CHIEF INSPECTOR

Peggy M. Toth
CHIEF, FINANCE
AND ADMINISTRATION

DECISION RE OFFICER-INVOLVED SHOOTING

The Marin County District Attorney's Office has received and reviewed the finalized investigative reports from the Novato Police Department concerning the officer-involved shooting by Marin County Deputy Sheriff Evan Kubota on July 7, 2013, where suspect Chaka Grayson sustained gunshot injuries. Over the course of the investigation our office was in contact with the Novato Police Department where investigative options were discussed and implemented. Both the conduct and actions of Deputy Sheriff Kubota and suspect Chaka Grayson were reviewed to determine if criminal violations of law occurred.

As a result of our review the following charging decisions were made:

Chaka Grayson has been charged in a four-count misdemeanor complaint (Marin County Superior Court case number CR187040) with a misdemeanor violation of Vehicle Code section 2800(a) – FAILING OR REFUSING TO COMPLY WITH A LAWFUL ORDER OF A PEACE OFFICER; a misdemeanor violation of Penal Code section 148(a)(1) – RESISTING, DELAYING OR OBSTRUCTING A PEACE OFFICER; a misdemeanor violation of Vehicle Code section 14601.2(a) – DRIVING WITH PRIVILEGE SUSPENDED OR REVOKED FOR DRUNK DRIVING with a prior conviction committed on October 1, 2009; and a misdemeanor violation of Vehicle Code section 14601.5(a) – DRIVING WHEN PRIVILEGE SUSPENDED OR REVOKED FOR REFUSING CHEMICAL TEST OR DRIVING WITH EXCESSIVE BLOOD ALCOHOL with a prior conviction committed on October 1, 2009. No charge under Penal Code section 245 – ASSAULT WITH A DEADLY WEAPON – is being charged since there is insufficient evidence to prove that allegation beyond a reasonable doubt.

Deputy Sheriff Evan Kubota did not commit a criminal violation of law in discharging his firearm.

A letter to appear for arraignment has been sent to Chaka Grayson requiring his appearance in Department N of the Marin County Superior Court on January 6, 2014, at 8:30 A.M. At this time Mr. Grayson is represented by the Marin County Public Defender's Office.

Contact:

District Attorney Ed Berberian

eberberian@marincounty.org

415 473-6450



MARIN COUNTY SHERIFF'S OFFICE
BUREAU OF ADMINISTRATION
& SUPPORT SERVICES

Date: 03/29/14

To: Sheriff
(Via) Chain of Command

From: [REDACTED]

SI No: 13-10

ALLEGATION (S):

This special investigation was assigned per MCSO General Order 04-03, Use and Discharge of Weapons. Per the General Order "whenever a deputy, whether on or off-duty, discharges his firearm either accidentally or officially (except at an approved range or when authorized by this policy to dispatch a seriously injured or dangerous animal) a special investigation will be initiated by the Bureau Commander of the responsible member.

APPLICABLE POLICIES:

GO-04-03 Firearms Use

This General Order states in part:

Firearms shall only be discharged under the following circumstances:

- At an approved range and under the direction of the Rangemaster or his designee.
- When killing seriously injured or dangerous animals where other disposition is impractical.
- When necessary in the defense of the deputy's life, or to prevent serious injury to his person.
- When necessary in the defense of another person's life, or to prevent serious injury to that person.
- When necessary to effect the capture of a fleeing felony suspect when, and only when, the felony is of the violent variety, i.e., a forcible and atrocious one which threatens death or serious bodily harm.

Firearms shall not be discharged under the following circumstances:

- As a warning.
- To effect the capture of a misdemeanor suspect.
- From or at a moving vehicle, except when necessary in the defense of the deputy's life or the life of another person.
- When the deputy has reason to believe, based upon attendant circumstances, that the discharge may endanger the lives of passers-by or other persons not involved in the crime, and the deputy's life, or another person's life, is not in imminent danger.

GO-04-06 Use of Force

This Policy states in part:

It is the policy of the Sheriff's Office that deputies shall use only that force which is reasonable, given the facts and circumstances known at the time of an event, to effectively bring an incident under control.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

Control of an individual may be accomplished in several ways; verbal advice, warnings, persuasion, or by the use of physical force. At no time are deputies allowed to use unnecessary force.

Any application of force by a member of the Sheriff's Office must be judged by a standard of "reasonableness." When determining whether or not to apply any level of force and when evaluating whether a deputy has used reasonably necessary force, a number of factors should be taken into consideration. Those factors should include, but are not limited to:

- The conduct of the individual being confronted (as reasonably perceived by the deputy at the time.)
- Deputy/Subject factors, such as age size, relative strength, skill level, injury/exhaustion, number of deputies vs. subjects.
- Influence of drugs/alcohol (mental capacity.)
- Proximity of weapons
- Availability of other options, such as what resources are reasonably available to the deputy under the circumstances.
- Seriousness of the suspected offense or reason for contact with the individual.
- Training and experience of the deputy.
- Potential for injury to citizens, officers and suspects.
- Risk of escape.
- Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of time available to evaluate and respond to changing circumstances may impact an officer's decision.

While various levels of force exist, each deputy is expected to respond with only that level of force, which reasonably appears appropriate under the circumstances at the time to successfully accomplish the legitimate law enforcement purpose in accordance with this policy. This order does not require deputies to consider one type of force before escalating to another. The individual circumstance of each incident dictates the level of force to be used. Nothing in this order shall prevent a deputy from using whatever force or means is necessary in the defense of his/her life or the life of another person.

ASSIGNMENT AND SYNOPSIS OF SPECIAL INVESTIGATION:

On 07/07/13, [REDACTED] [REDACTED] assigned this investigation to me regarding an incident that took place that same day. In summary, on 07/07/13, Deputy Evan Kubota #1679 was assigned to beat 1Z12, while working out of the Marin City Substation. Deputy Kubota had come in early on a planned shift trade that day to provide coverage for [REDACTED] [REDACTED]. Earlier in his shift, prior to this incident occurring, Deputy Kubota received information that Chaka Grayson had a suspended driver's license and was possibly driving in the Marin City area. Deputy Kubota knew Chaka Grayson from previous contacts. At approx. 1748 hours, Deputy Kubota was driving his marked sheriff's patrol car southbound on Terners Drive when he spotted a vehicle that made what he described as a suspicious abrupt movement. Deputy Kubota said the vehicle quickly pulled to the right and parked behind another vehicle. As Deputy Kubota was driving by, he kept his focus on the vehicle. When he got close enough, he could see the lone occupant of the vehicle was Chaka Grayson, and he could see that Grayson had repositioned himself in the passenger's seat. Deputy Kubota was sure that no one else had exited the vehicle between the initial time he saw it and when he passed by it. Having determined that Grayson was driving the vehicle, Deputy Kubota made a hard left turn, activated his emergency lights and pulled behind the vehicle Grayson was driving.

Due to the limited turn radius, Deputy Kubota ended up being nearly perpendicular to the sidewalk. He was going to adjust the position of his vehicle when he saw Grayson open the passenger's side door of his vehicle. Deputy Kubota quickly exited his vehicle and ordered Grayson (by name) to get back in the vehicle. Grayson then laid down across the front seat of his vehicle. Believing Grayson was possibly reaching for a weapon, Deputy Kubota drew his department issued sidearm, pointed it at Grayson and ordered Grayson to stop. While still leaning over, Grayson started the vehicle. Ignoring further orders from Deputy Kubota, Grayson pulled forward and struck the rear of a vehicle that was parked in front of his vehicle. Grayson then backed up, turning his wheel to the right, which caused the front end of the vehicle to turn more toward Deputy Kubota's position. Grayson then rapidly accelerated the vehicle toward Deputy

Kubota. Fearing for his safety, Deputy Kubota fired continuously at Grayson and the vehicle he was driving until his weapon went dry (16 rounds). Grayson fled the area, parked his vehicle in the middle of the 200 Drake Ave. parking lot and fled the scene on foot. He was apprehended several hours later at [REDACTED]. Grayson was shot by Deputy Kubota several times in the left arm.

INVESTIGATION:

On 07/07/13 at approximately 1900 hours, I received a phone call from [REDACTED] requesting that I respond to the Marin City Substation. He assigned me to conduct a department-initiated special investigation regarding the shooting involving Deputy Evan Kubota and the suspect, Chaka Grayson.

I arrived at the substation at approx. 1930 hours. When I arrived, I received a briefing of the incident from [REDACTED] [REDACTED] was the supervisor on duty at the time of the incident. He had taken the public safety statement from Deputy Kubota. In summary Deputy Kubota told [REDACTED] the following: Deputy Kubota had come in early (1700 hrs) to relieve [REDACTED] on a pre-arranged shift trade. At approximately 1745 hours, Deputy Kubota was driving down Terners Drive toward Terrace Drive in Marin City when he saw a vehicle make an abrupt, suspicious turn to its right and pull over. As Deputy Kubota got closer to the vehicle, he identified the sole occupant of the vehicle as Chaka Grayson. Deputy Kubota knew Grayson from previous contacts, knew Grayson was on parole, and had received information earlier in the day that Grayson's driver's license was suspended. When Deputy Kubota saw Grayson in the vehicle, Grayson had moved over to the passenger's seat. Deputy Kubota made a quick U-turn and pulled in behind Grayson's vehicle. As Deputy Kubota was pulling his vehicle around, Grayson opened his passenger's side door. Thinking Grayson was going flee on foot, Deputy Kubota quickly put his vehicle in park, got out and ordered Grayson not to move. Grayson got back in his vehicle, shut the door and leaned over from the passenger's side to the driver's side of the vehicle.

Fearing that Grayson was reaching for a weapon, Deputy Kubota drew his gun and ordered Grayson to stop. Grayson turned the vehicle on, moved over to the driver's seat and pulled the car forward striking the vehicle in front of him. Grayson then reversed the car and when he did the front of Grayson's vehicle was pointed at Deputy Kubota. Deputy Kubota continued to give verbal commands to Grayson to stop and show his hands. Grayson made eye contact with Deputy Kubota and drove the car forward toward him. Deputy Kubota said he stepped out of the way to avoid being hit and at the same time discharged his firearm until it was empty (16 rounds) at Grayson and the vehicle. Grayson continued driving down Terners, made a right turn onto Donahue Street, where Deputy Kubota lost sight of him. Deputy Kubota put out over the air that shots were fired. While securing the crime scene and awaiting the arrival of [REDACTED] Deputy Kubota was struck in the face by a rock that was thrown by a person in the crowd that had gathered after the incident was over. Once [REDACTED] arrived,

he had Deputy Kubota transported to the substation. Prior to the removal from the area, [REDACTED] took Deputy Kubota's firearm as evidence. Deputy Kubota was treated for the injuries sustained as a result of the rock being thrown at him at the fire station/ sheriff's substation and eventually at Marin General Hospital.

Chaka Grayson Background:

I reviewed suspect Chaka Grayson's criminal history during this investigation. Grayson has an extensive criminal history dating back to 1986. He's been arrested numerous times for 148 P.C.- Obstructing or resisting a police officer and 243 (b)- Battery on a police officer. He has been arrested for numerous crimes of violence including 215 P.C.- Carjacking, 211 P.C.- Robbery, 273.5 P.C.- Domestic violence and 243 (e)(1)P.C. -Domestic battery and 245 P.C.-Assault with a deadly weapon. He has also had numerous arrests for drug-related offenses, including drug sales charges.

On 02/01/10 Grayson was arrested by the Novato Police Department (see Novato police case NP10 – 711.) Grayson was arrested for the 2800.2 V.C.- Evading a pursuing police officer with wanton disregard for safety of persons, 148 P.C.- Obstructing or resisting a police officer, 20002 V.C.- Hit-and-run, 476 P.C.- Make or pass fictitious/counterfeit bills, 14601.2 V.C.- Driving on a suspended license and 22350 V.C.- Speeding. On 8/17/10 Grayson plead guilty to the following charges regarding that case in Marin Superior Court case SC1685278: 2800.2 (A) V.C., 20002(A) V.C., 148 (a) (1) P.C., 14601.5 (A) V.C. and 648 P.C. Grayson was sentenced to two years in state prison as a result of that case.

His most recent arrest was 11/21/12. [REDACTED] [REDACTED] arrested Grayson on charges of 135 PC -Destruction of evidence and HS 11357 -Possess marijuana 23.5 g or less. This case was referred to State Parole by the D.A.'s Office and not charged locally.

Grayson is also a suspected 415 Kumi Gang member. He has a tattoo on his right Shoulder "415."

After this incident, Chaka Grayson's blood was tested for the presence of both alcohol and illegal drugs. The blood test for alcohol was submitted to the Department of Justice and tested on 07/24/13. The test indicated there was no alcohol in Chaka Grayson's system shortly after this incident. A blood sample taken from Chaka Grayson on 07/08/13 at 0332 hours was submitted to Central Valley Toxicology and tested on 11/04/13. The test showed negative for illegal drugs.

Deputy Evan Kubota #1679

Deputy Evan Kubota has been employed with the Marin County Sheriff's Office since [REDACTED]. He completed the [REDACTED] in [REDACTED]. He was initially assigned to the [REDACTED] [REDACTED]. At the time of this incident, he was assigned to work nightshift on Sunday, Monday, Tuesday, and every other Wednesday nights from 1900-0700. He had come in early on 07/07/13 at 1700 hours on a pre-planned shift trade with [REDACTED].

[REDACTED]

After this incident, Deputy Kubota's blood was tested for the presence of both alcohol and illegal drugs. The test for alcohol was submitted to the Department of Justice and tested on 08/22/13. The test indicated there was no alcohol in Deputy Kubota's system shortly after this incident. A blood sample taken from Deputy Kubota on 07/07/13 at 2235 hours was submitted to Central Valley Toxicology and tested on 11/04/13. The test showed negative for illegal drugs.

Interview with witness [REDACTED]

On 07/07/13 at approximately 2200 hours, I attended and took part in an interview involving Novato PD Detective [REDACTED], Detective [REDACTED] and witness [REDACTED]. [REDACTED] lives at [REDACTED]. [REDACTED] witnessed the shooting involving Deputy Evan Kubota and Chaka Grayson. [REDACTED] did not know Deputy Kubota's name and did not know Chaka Grayson's name. At the time of this statement, he referred to Deputy Kubota as the officer and Chaka Grayson as the "victim." For clarification purposes and because it is undisputed that these individuals were involved in the incident, I will identify Deputy Kubota and Chaka Grayson by their names.

In summary, [REDACTED] stated that he was walking home from the Gateway Mall shopping center after going to the Ross Store and the Dollar Store. Between 5:45 pm and 6:00 pm, he was walking on the sidewalk located on the east (he incorrectly stated the west side of the street) side of Terners Drive (same side as

the shooting). As he was approximately halfway down the block approaching the area which he later identified as the area of 10 Terners Drive, he noticed a sheriff's car parked perpendicular to a vehicle that was parked on the east side of Terners Dr. The deputy's vehicle was in the street parked perpendicular to the sidewalk blocking approximately half of the roadway. During the interview, he referred to the vehicle, later determined to be the vehicle driven by Chaka Grayson, as the "victim's car." There was a silver car parked in front of Grayson's vehicle.

When his attention was initially drawn to the incident, [REDACTED] said the deputy was standing at the driver's side door of Grayson's vehicle. [REDACTED] heard what he thought was an exchange of words and/or possibly a car door shut. He said Deputy Kubota pulled his gun, took a few steps back and yelled "don't move the car, don't move the car." He said Grayson turned the wheel of the car to the left and started moving the vehicle. [REDACTED] said the vehicle moved a foot at the most and Deputy Kubota took a few steps back and began to shoot. He said Deputy Kubota fired 8-10 shots in a "90 degree turn fan motion." He said Deputy Kubota was 5-10 feet from the vehicle when he fired the shots. [REDACTED] said as the shots were fired, the gun was turned toward his direction. [REDACTED] said he dropped to the ground and shots were being fired over his head and down the street. When the shots stopped, the car had already gone down the street toward the shopping mall. He saw Deputy Kubota walking down the street with his gun drawn. Deputy Kubota was talking on the radio saying "shots fired." Deputy Kubota walked around the corner and left his patrol car with the door open and unattended.

[REDACTED] described the shooting as "erratic" and said there were kids on both sides of the park during the shooting. He said he felt like his life was in danger and that he didn't think Deputy Kubota's life was in danger at all.

[REDACTED] said after the incident, he went back to his apartment and spoke with his wife about the shooting. He and his wife later went outside to confront the officers, none of the officers would give names or badge numbers. He said Deputy Kubota told him that the "the victim" tried to hit him (Deputy Kubota) with the car. [REDACTED] said he felt that (Deputy Kubota's statement about being hit by the car) was impossible because Deputy Kubota was 5-10 feet from the driver's side door of Grayson's car as Grayson "was pulling out of a parallel parking situation." He said Deputy Kubota opened fire with no consideration for where the shots were going.

Once [REDACTED] gave his statement, NPD [REDACTED] asked him some specific follow-up questions. [REDACTED] said the Deputy was standing parallel to the driver's door, approximately 5-10 feet away. He said he felt like the car moved less than a foot before the Deputy Kubota fired. He said he felt like Grayson's car "jerked" and Grayson's vehicle took off. He said eventually Deputy Kubota stopped shooting. [REDACTED] said "as far as I saw it, it was an unarmed man that got pulled over for a routine traffic stop." [REDACTED] said it felt like the officer "couldn't wait" to shoot. [REDACTED] said "there was no thinking involved" and "it was way too irrational."

██████████ then asked ██████████ to try to imagine himself as standing behind Deputy Kubota during the incident. In response ██████████ said "I feel like I could see what happened. I can see how somebody in that situation could end up making that decision." He clarified that he was talking about Deputy Kubota's actions. He said he could see how Deputy Kubota might feel threatened but regardless of the excuses, ██████████ felt like it (the decision to shoot) was way overboard for the situation and that more people were put in danger by the deputy's actions.

During the interview, I asked ██████████ to estimate how far away (in feet) he thought he was when he witnessed the incident. ██████████ said approximately 50 feet, but that it could have been farther. I asked him about the "jerking" motion of the car that he had described. He said he felt like it was a brake pump, probably from the shock of the shots being fired. I asked him how fast he thought Grayson's car was moving. His initial response was "not fast enough." When I asked him to clarify, he said the car didn't peel out, but he felt like the car was going 20-30 MPH. I asked him to clarify what he meant when he described an unarmed man on a routine traffic stop. ██████████ clarified that he felt like that was what he was witnessing, but he couldn't tell whether Grayson was armed or not. ██████████ said "to the onlooker, it was an unarmed man on a routine traffic stop who was gonna make a run for it."

I asked ██████████ if he saw the emergency lights on during the incident. ██████████ said he did not think the deputy's emergency lights were on.

██████████ said that when he first saw Deputy Kubota, Deputy Kubota was standing next to the driver's side door of Grayson's vehicle. He said he saw Deputy Kubota pull his gun from his holster and order Grayson "don't move the car, don't move the car." He said Deputy Kubota fired his gun within seconds of pulling it from the holster as Grayson started to move his car. I asked ██████████ if he was approximately 50 feet away, how he could tell exactly where Deputy Kubota was standing. ██████████ said he "felt" like the officer was standing where he normally would during a traffic stop, just behind the driver's door, near the handle. He said the whole incident lasted less than 60 seconds.

I asked ██████████ to clarify that he didn't see the guy in the car (Grayson) do anything. ██████████ said that he did not see the suspect at all, and he admitted that he didn't know it was a male, but he had a feeling it was a guy driving a car. ██████████ said he later learned from a neighbor that it was a male driving the car.

██████████ said he did not see Deputy Kubota get hit by the rock after the incident was over. ██████████ said that he was very upset by the incident, because he felt like he could have been killed. He reiterated that he felt it was erratic and probably should have been handled differently.

After the conclusion of the interview, Detective ██████████ Detective ██████████ and I took ██████████ outside and had him point out exactly where he was when the incident happened. He took us to the east sidewalk on Terners Drive facing south. He showed us and explained when he initially noticed the incident he was standing near the east gate at 10 Terners Dr. As he was describing the incident, he said

he was standing on the sidewalk, but close to the street. As I was standing there trying to observe [REDACTED] vantage point, I noticed a very large apartment sign which was clearly obstructing part of the view of the area that [REDACTED] described the incident taking place. I pointed this out to [REDACTED] and asked him if his view was obstructed. He told me he didn't feel like his view was obstructed. He then showed a patch of grass located on the southwest corner of [REDACTED]. He pointed out that spot as the spot where he slowly moved toward and finally hit the ground. From that vantage point, his view was even more obstructed by the sign, the trees, and the silver vehicle that was parked in front of Grayson's vehicle at the time of the incident.

Detective [REDACTED] and Detective [REDACTED] took photos of the area [REDACTED] described as his vantage point for this incident. They also took a short video showing where [REDACTED] said he was at the beginning of the incident to where he ended up after the incident. This video was taken at night and the lighting is not the same, but it is clear that [REDACTED] view of the incident was partially blocked. On 07/08/13, Novato PD went back to the scene and took photos from [REDACTED] reported vantage point. There is a truck in the photos that was not present during this incident, but the photos clearly show the objects that obstructed [REDACTED] view and his vantage point in lighted conditions. On 07/14/13 when conducting a neighborhood check, I also took daylight photos of the area [REDACTED] described seeing the incident.

This Interview was recorded and is attached to this report as evidence item # MS1.

These photos are attached to this report as evidence item # MS9.

Interview with witness [REDACTED]:

I also took part in an interview on 07/07/13 when Detectives [REDACTED] and [REDACTED] interviewed [REDACTED] at [REDACTED]. [REDACTED] was in her apartment located at [REDACTED], which overlooks the crime scene. [REDACTED] told us the following. She was holding [REDACTED]. She was standing in her living room when she heard the deputy yell orders to the suspect. The orders were something like "stop" or "don't go." Almost immediately after she heard the orders, she heard what she described as 9 rapid gunshots in succession. She did not remember hearing a vehicle drive away or any vehicle noises during the incident. As the gunshots were being fired, she went from the living room to the bedroom and looked out the window.

She showed us the bedroom she was in when she witnessed part of the incident. From the bedroom window she had an elevated, clear view of the crime scene. She said she didn't get a great look at what was happening, because she was holding [REDACTED] in her hand, and she was nervous. She did see the deputy holding his gun shooting. She then ducked down.

I asked her what the deputy was shooting at, and she said the car. I asked her if she saw the car, and she said she never saw the car. I asked her how she knew the deputy was shooting at a car, and she said because that is what her husband told her. She estimated she saw the deputy shoot 3 rounds. She did not see the confrontation that occurred prior to the shooting, but only heard what she thought was the deputy saying something like "stop" or "don't go." She did not see Deputy Kubota run down the street.

Her husband arrived home from the store approximately 30 seconds later. He told her what he had just seen. She went down and confronted the deputies. She said she felt that what the deputy did was completely reckless and that he should have been arrested for it.

This interview was recorded and attached to this report as evidence item # MS2.

Second Interview with [REDACTED] on 12/19/13:

While reviewing [REDACTED] statement on 07/07/13, and after reviewing the Novato P.D. reports regarding the incident, I came up with a number of follow-up questions I wanted to ask [REDACTED]. On 12/19/13 at approximately 1200 hours, I met with [REDACTED] at his home located at [REDACTED]. I began by asking [REDACTED] about a detail in his statement. During his initial statement, [REDACTED] mentioned that the shooting was over somebody having a suspended license. I wanted to know how [REDACTED] could have possibly known that detail at the time of his statement. He said the only way he could have heard that was through the Marin I.J. I then asked him if he had talked to anyone after the incident, and he said he had. He said there was a lot of "chit chat" going on with people in the neighborhood talking after the incident.

I asked him about the exchange of words between Deputy Kubota and Grayson. I asked [REDACTED] to clarify exactly what he heard. He said he mainly heard Deputy Kubota, but he was a block and a half away at the time, so he could not tell exactly what was being said. He said the deputy had just gotten out of the car and pulled his gun relatively quickly after getting out.

In his initial interview, [REDACTED] mentioned there were kids on both sides of the street in the parks, which are located on both side of Terners Dr. I asked if he actually saw kids, and he said at this point he didn't remember specifically seeing anyone walking on the sidewalk, as he was walking southbound on Terners Dr.

I then asked [REDACTED] about a statement that he made that there was some distance between Grayson's car and the car that was parked in front of Grayson's vehicle. I asked him how he knew that and he said he knew that because Grayson's car was a big car and that he did not have to reverse to get out of the parking spot, he (Grayson) just turned his wheels and pulled out. I then asked him about the "jerking" motion he described seeing in his initial interview. [REDACTED] said after the

driver was being shot at by Deputy Kubota, he believed the "jerking" was a hesitation on the driver's part.

█████ went on to say when he gets asked that question "I immediately think, you are looking for was there a possibility he was trying to hit the officer with the car and if I were to say anything about that, I would say absolutely not. It would have been impossible for the man in the car to endanger the officer from where he was standing." I asked █████ why that was, and he said "Because cars don't float sideways, the officer was constantly parallel to the driver's side door with his gun drawn." █████ maintained that Deputy Kubota was never in a position in front of the driver's side door of Grayson's vehicle. █████ said he was 100 percent positive and went on to say that the officer was in the wrong.

I asked him if he saw Deputy Kubota move at all during this incident. He said he saw the Deputy step back after he said "don't move the car." He remembered the deputy taking 2-3 steps back, but after that he did not remember him moving until after the car had passed and Deputy Kubota began to follow it down the street.

I asked █████ about the shots he described hearing 6 shots. He heard 3 shots in succession followed by a short pause and then 3 more shots.

I finally asked █████ about his exact position when he witnessed this incident. In his initial interview and when he showed Detective █████ and I exactly where he was standing, █████ had said that when he was drawn to the incident, he was walking southbound on the east sidewalk near the street in front of 10 Terners Drive. As the incident unfolded, he continued walking south. █████ said when he saw the officer draw his gun and tell the suspect not to move the car, he began to move towards the grass located southeast of the spot where he first noticed the incident. █████ said the shots started to go off as he was moving toward the spot in the grass where he got down. █████ said "I would have hit the ground almost as soon as the first shot got fired; I was too scared to even look. I turned my head so I wouldn't catch a stray."

I later asked █████ if he went down to the ground as the shots were being fired, how could he have possibly seen all the shots being fired. █████ said he couldn't say with 100 percent certainty that he saw every shot that was being fired because he was going to the ground as the shots were fired. I asked █████ how he knew the shots were being fired in his direction if that was the case. He said he turned his head toward the street, and there were still a few shots being fired.

I asked █████ to estimate the distance between the deputy and the end of the car when the last shot was fired. He said he didn't know, but he knew the shots had stopped by the time the vehicle reached the intersection. He thought the last shot was fired as the car went past his house.

This interview was recorded and attached to this report as evidence item # MS3.

Neighborhood Check:

On 07/14/13 at approximately 1700 hours, which was the following Sunday around the same time as the incident on 07/07/13, I went to the area of Terners Drive and Terrace Drive to conduct an area check. The purpose of this was to speak to anyone that might be in the parks that did not get interviewed and to speak with neighbors who might have witnessed the incident. I went to the following addresses that would have had a possible view of the incident from their homes.

I attempted to contact the neighbors at the following addresses, but they were not home. I left my business card and asked them to call me. I have not received any return phone calls.



I spoke to the following residents regarding what they saw or heard:

[REDACTED] - I spoke with the resident [REDACTED] She heard 4 gunshots that she originally thought might be firecrackers because it was just after the 4th of July. She came outside and saw the sheriff's car blocking Terrace Dr. but did not see the deputy around the vehicle.

[REDACTED] - I spoke to the resident [REDACTED] who said he was not home at the time of the incident.

[REDACTED] - I spoke to the resident [REDACTED] He heard 5-6 gunshots in rapid succession but did not see the incident.

[REDACTED] - The resident said he was not home at the time of the incident.

██████████ - The resident ██████████ said she was home but did not see or hear anything.

██████████ - I spoke to the resident ██████████, who said she was taking a nap at the time of the incident, but she was awoken to hear at least 10 rapid continuous shots. I also spoke to her boyfriend ██████████ who told me he was sitting on the deck which faces Terners Drive. He showed me where he was sitting, and there were numerous trees blocking his view of the street. He said he heard what he thought was the deputy say something like "get out of the vehicle or step away from the vehicle." Before he could stand up and turn around, he heard the deputy repeat the command and then he heard 10-12 continuous gun shots. He assumed the deputy emptied his clip because it took just seconds for the shooting to stop. He did not hear any speeding car or screeching tires.

After about a minute, he saw the kids that were in the playground walk toward the street so he assumed it was safe. He then went outside to check on his vehicle to make sure it didn't get hit (his vehicle was the vehicle parked in front of Grayson's vehicle.) While he was outside, before he could ask the deputies if his car was hit by gunshots, he saw the rock that was thrown from the crowd hit Deputy Kubota in the face. He did not see who threw the rock. He went back inside and later confirmed with officers on the scene that his car was not hit by bullets.

██████████ - I spoke to the resident ██████████, who told me he did not see anything but heard 1-8 gunshots in rapid succession between 5:45pm- 6:00 pm.

██████████ - I spoke to the resident, ██████████. ██████████ told me she was home during the incident. She heard 3-4 shots while sitting in her kitchen. She got up and walked onto her balcony which overlooks the playground. She looked toward but the incident was over at that point.

██████████ - I spoke with the resident who did not want to be identified. He said he was not home during the incident.

██████████ I spoke with ██████████ who told me he was in his bedroom at around 6:30 pm when he heard some "commotion." I questioned him about what he meant by "commotion." He said it was difficult to hear, but he heard something like "stop or something like that." He then heard gunshots and saw an Asian officer running down the street and shooting down the street, "shooting like a madman." He said he heard what he thought was screeching tires just before the gunshots started. He said he heard about 6-7 gunshots consecutively, then there was a pause. He heard a final gunshot, but he said it sounded like it was farther down the street. He said he was sure that he saw bullets coming out of the deputy's gun. He said he didn't see anything come out of the deputy's gun, but he saw the deputy and heard the gunshots at the same time. (It should be

noted that [REDACTED] showed me the window he looked out. From that position, he did not have a vantage point of the area where the shots were fired).

[REDACTED] - I spoke to the resident [REDACTED] who told me she did not see anything but heard about 10 rapid gunshots.

[REDACTED] - I spoke with the residents [REDACTED] who reported hearing rapid noises, but they could not say how many or if they were gunshots.

[REDACTED] I spoke to a female resident that did not want to give her name. She did not see or hear anything.

[REDACTED] - I spoke with the resident, [REDACTED] He said he heard about 10 rapid gunshots and a car accelerating down the street after the gunshots stopped. He called the Sheriff's Office and reported the incident.

[REDACTED] - I spoke with the residents [REDACTED], [REDACTED] and [REDACTED] they did not see the incident but heard 4-6 shots in rapid succession.

[REDACTED] - I spoke to the resident, who said they were not home at the time of the incident.

[REDACTED] - I spoke to the resident [REDACTED] She told me that she was in her living room when she heard the gunshots. She saw a deputy running down the street with a gun in his hand. She said [REDACTED] was outside her apartment at the time with [REDACTED] at the time of the shooting. At my request, she called [REDACTED] and urged her to make a statement. According to Novato PD reports, they attempted to get ahold of [REDACTED] numerous times, but were unsuccessful.

The interviews with pertinent or descriptive information were recorded and attached to this report as evidence item # MS4

On 12/19/13, I went back and spoke with [REDACTED]. She said she had urged [REDACTED] to make a statement on numerous occasions but said [REDACTED] was very upset about the incident and was having a lot of personal problems at this point in her life. She said she did not think [REDACTED] would give me a statement or return any of my messages. She did agree to provide me with [REDACTED] cell phone number. On 12/20/13 at 1230 hours, I called and left a message on [REDACTED] phone. At the time of this report, she has not answered her phone nor returned any of my calls.

REVIEW OF NOVATO P.D. REPORTS

I reviewed Novato Police Report NP13-3957 regarding this incident. I reviewed supplemental report #11 written by NPD [REDACTED]. In that report, Detective [REDACTED] interviewed MCSO Deputies [REDACTED], and [REDACTED]. All three deputies were on duty during the incident. Deputies [REDACTED] and [REDACTED] were working together as a training unit and were assigned as 1Q11. Deputy [REDACTED] said Deputy Kubota came on shift at approximately 1700 hours. They did not have a formal briefing and only talked about personal matters when he first saw Deputy Kubota. Deputy [REDACTED] was present when he and Deputy [REDACTED] covered Deputy Kubota on a traffic stop at Bridge Boulevard and Bridgeway Boulevard in Sausalito. The traffic stop occurred prior to the shooting at 1728 hours. Deputy [REDACTED] stayed in the vehicle while his trainee, Deputy [REDACTED] assisted Deputy Kubota. Deputy [REDACTED] said he and Deputy [REDACTED] had conducted a driver license check on Chaka Grayson prior to the shooting and knew that he had a suspended driver's license. They conducted the driver's license check because they had seen Grayson's vehicle parked at the Bait Shop. Deputy [REDACTED] told Detective [REDACTED] that he did not have any contact with Deputy Kubota about the details of the shooting.

Detective [REDACTED] interviewed Deputy [REDACTED] who was a trainee working a double unit with his FTO Deputy [REDACTED]. He confirmed that he had checked Grayson's license status earlier that day because he and Deputy [REDACTED] had seen Grayson's vehicle parked at the Bait Shop. He also confirmed that during the traffic stop at 1728 hours at Bridge Boulevard and Bridgeway Boulevard, he told Deputy Kubota about Grayson's license being suspended.

Upon hearing the shots fired call, Deputy [REDACTED] said he and Deputy [REDACTED] responded to Marin City from the Strawberry area of Mill Valley. They heard Deputy Kubota request to shut down Marin City, so he and Deputy [REDACTED] positioned themselves at Donahue and Drake and stopped vehicles from leaving the area. He did not speak with Deputy Kubota after the incident.

Detective [REDACTED] interviewed Deputy [REDACTED]. Deputy [REDACTED] was assigned as 1Q13 on the day of this incident. He was in the area of Seminary and Highway 101 when he heard the shots fired call. He responded to Marin City and was the first to arrive at the scene of the shooting. When he arrived, he saw Deputy Kubota telling the crowd that had gathered "you don't know what happened." Deputy [REDACTED] advised Deputy Kubota not to say anything to the crowd. Deputy [REDACTED] told Detective [REDACTED] that he did not discuss specifics about the incident with Deputy Kubota or anyone else in the crowd.

Deputy [REDACTED] also saw witness, [REDACTED] speaking with [REDACTED] and [REDACTED] after the incident and before he was interviewed by Detective [REDACTED] and me. Both [REDACTED] and [REDACTED] are relatives of Chaka Grayson. Deputy [REDACTED] also later heard [REDACTED] say that he was going to do everything in his power to make him (Deputy Kubota) pay for what he did.

NOVATO P.D. WITNESS INTERVIEWS:

During my review of the reports, I noted that only 6 people were identified as having seen all or parts of the shooting. They were [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. [REDACTED] was interviewed extensively regarding this incident.

Witness [REDACTED]

I made numerous attempts to interview [REDACTED]. Additionally, Novato PD Detectives attempted to interview her. [REDACTED] has not returned numerous phone messages as well as messages left with her mother in an attempt to interview her.

[REDACTED] Interview:

[REDACTED] was interviewed by Novato Police Detective [REDACTED] on 07/10/13. She told Detective [REDACTED] on 07/07/13, she was inside her bedroom on the second floor of [REDACTED] with windows that face downhill toward Terners Drive. While sitting in her bedroom, [REDACTED] observed "the officer" (Dep. Kubota) drive up Terners Drive and "caddy corner" behind a car that was parked going downhill on Terners. [REDACTED] said she observed Dep. Kubota "just jumped out of his car" with his weapon already drawn. She said Dep. Kubota approached the vehicle as it was "moving straight as if it was pulling away from the curb." The next thing [REDACTED] knew, Dep. Kubota was on the side of the car firing. [REDACTED] said she ran downstairs and exited her residence. She said shots were still being fired as she went down her stairs. [REDACTED] said she ran "down the hill" (Terners Drive) to where Dep. Kubota fired his weapon. Detective [REDACTED] confirmed with [REDACTED] that she ran toward where shots were being fired and [REDACTED] said, "yes." [REDACTED] said when she exited her residence, she observed children in the middle of the street. She did not see the deputy when she initially came outside.

[REDACTED] said she did not hear anything before the shots were fired, but her dogs began to bark, which is why she looked out the bedroom window. When [REDACTED] came outside, she said she observed people "scattering." She did not see Deputy Kubota again until he was walking back to his vehicle. [REDACTED] said she felt Deputy Kubota was returning from running after the fleeing vehicle. When Deputy Kubota arrived back to his vehicle, he moved it and positioned it to block the roadway.

Detective [REDACTED] recapped [REDACTED] account of this incident, and she stated that the sheriff's car was coming up the hill and passed Grayson's vehicle that was parked facing down the hill on Terners Drive. [REDACTED] said the sheriff's vehicle then positioned his car halfway across the street. [REDACTED] said she observed Deputy Kubota exit the sheriff's vehicle with his weapon drawn and began to approach the car. [REDACTED] said, as he approached Grayson's car, it was already

moving, "like it was pulling away from where it was parked." [REDACTED] observed Deputy Kubota walking up to the side of the vehicle at that time, and the next thing she knew, shots were being fired. [REDACTED] said Deputy Kubota was approaching the car "like you would approach it from the side", and then shots were fired. At that point the car "took off." [REDACTED] said there were numerous vehicles parked on the street at the time. [REDACTED] said that Grayson's vehicle would not have had to turn toward Deputy Kubota to get out of the parking location. [REDACTED] said there was enough space for Grayson to pull out normally from a parking position. [REDACTED] said the vehicle pulled away from the curb after the shots were fired. The vehicle did not come into the street until the shots were fired. [REDACTED] could not estimate how many shots she heard, but said they were in succession. [REDACTED] said it was "definitely an automatic."

[REDACTED] described herself as a friend of Chaka Grayson. She said she had known him since he was born. She described Grayson as a "hard worker", "stand up guy" and supportive member of the community. She also assisted in contacting community leaders and assisting with Grayson's surrender after the incident.

I obtained a copy of the interview with [REDACTED] from Novato PD. In listening to the interview, [REDACTED] was very specific in the details leading up to the shooting as well as the details after the shooting. When Detective [REDACTED] attempted to clarify exactly what [REDACTED] saw and extract more detail, [REDACTED] said she was very traumatized by the incident and did not want to answer. [REDACTED] said it was a bit overwhelming and did not want to answer. She said she did not want to feel like she was being interrogated.

I attempted to get a statement from [REDACTED] when I did my neighborhood check on 07/14/13. I left a card on her front door for her to call me. While checking the area I noticed a car in front of [REDACTED] that had not previously been there. I contacted an unidentified female adult who told me that [REDACTED] was not home, but that she would give [REDACTED] the message.

I obtained a copy of this recorded interview and attached it to this report as evidence item # MS6.

On 03/29/14, I was able to get ahold of [REDACTED] on the phone. She said that she had received my messages to call her and that she had returned my calls and left a message on a "general" answering machine and had not heard back from me.

[REDACTED] agreed to speak with me about the incident. Her statement for the most part was consistent with the interview that NPD Detective [REDACTED] had conducted with a few exceptions.

[REDACTED] told me on the day of the shooting she was in her house in her upstairs bedroom located at [REDACTED]. Just prior to the shooting her dogs began to bark. She explained that her dogs bark whenever someone walks

by her home. As she looked out the window she saw a sheriff's vehicle driving up Terners Drive toward Terrace Drive. She said the deputy drove past the vehicle Grayson was in and parked diagonal on the east side of the street with the front of the patrol vehicle facing toward eastern intersection of Terrace and Terners Drive. The patrol vehicle was parked approximately 15 feet behind Grayson's vehicle. At the time of the incident she did not know that the vehicle belonged to Grayson and did not know Grayson was in the car. She found those facts out after the incident.

██████████ explained from her vantage point in her bedroom she has a partial view down Terners Drive. She explained she can see down Terners Drive until the area of the driveway located in between ██████████ and ██████████. She cannot see anything north of the ██████████.

As the deputy pulled behind Grayson's vehicle, her view was of the passenger door of the patrol car. She saw the deputy get out of the car, pull his gun out almost immediately and "run" up to the side of Grayson's vehicle. She estimated the deputy was 2-3 feet from Grayson's vehicle. She said she did not see the deputy go any further than the driver's side door of Grayson's vehicle. She said the deputy had his gun in his hand and was pointing it toward Grayson's vehicle. She said she could not hear the deputy saying anything but it was possible that he was talking.

██████████ said she never saw the deputy in front of Grayson's vehicle and did not believe that Grayson's vehicle could have hit the deputy. ██████████ estimated the time from when the deputy got out of his vehicle until the time the shooting started to be approximately 10-15 seconds but she was very hesitant to give a time estimate.

██████████ said the deputy started shooting and then Grayson's car began to move. She said the car moved slowly forward at first and then accelerated as the shooting went on. She said she heard 4-6 shots in rapid succession. She said the deputy was firing as Grayson's car pulled away. She said she lost sight of Grayson's vehicle as it passed by the driveway located in between ██████████ and ██████████. She said the shooting had stopped at the same time she lost sight of Grayson's car.

I asked ██████████ about the fact that she had told Novato Detective ██████████ that she ran outside while the shots were being fired. ██████████ told me that was incorrect and that she saw the entire shooting. She said the shooting had stopped prior to her going downstairs and out into the street.

██████████ said she saw the deputy running down the middle of the street after Grayson's car but she lost sight of the car as it passed the driveway between ██████████ and ██████████. When she got out into the street she saw the deputy standing in the street near the intersection of Terners Drive and Donahue Street. She watched the deputy as he walked back toward his vehicle. She said the deputy walked back in the middle of the street.

I asked [REDACTED] about other vehicles in the area. She did not remember seeing a vehicle parked in front of Grayson's vehicle. She also did not remember seeing and vehicle parked across the street from where the shooting took place.

[REDACTED] Interview:

On 08-16-13 at approximately 1116 hours, Marin County District Attorney Investigator [REDACTED] and Novato PD Detective [REDACTED] met with Marin County Public Defender [REDACTED] and Public Defender Investigator [REDACTED] who had previously arranged an interview between Novato Police and witnesses [REDACTED] and [REDACTED]. [REDACTED] is Chaka Grayson's attorney in this criminal case. Prior to the interviews, Detective [REDACTED] requested that [REDACTED] and [REDACTED] be separately interviewed, but [REDACTED] and [REDACTED] would not agree to be interviewed separately. [REDACTED] told Detective [REDACTED] she would leave the interview if the interviews were done separately. This interview took place after Chaka Grayson's release from the Marin County Jail on 07/17/13.

[REDACTED] told Detective [REDACTED] she did not remember the date or time of the incident. [REDACTED] said she and [REDACTED] were driving to the Dollar Tree Store in the Gateway Shopping Center. [REDACTED] stated she did remember driving up a street (she could not name the street but described Terners Drive) approximately 15 minutes prior to the incident. [REDACTED] stated she saw Grayson sitting in his vehicle on Terners Drive, where the incident took place. She described her vehicle as a green colored BMW X-5.

Approximately 15 minutes later [REDACTED] said she and [REDACTED] were coming back from the Dollar Tree and she was driving on Terners Drive. [REDACTED] said she saw a white van behind her and a police vehicle behind the white van. [REDACTED] said the van turned into an apartment complex, and the police car was now behind her vehicle.

[REDACTED] said she pulled to the curb near the park because the police vehicle was coming up on her fast. She said that Grayson's vehicle was stopped, across the street from her, and he was in the vehicle. The deputy made a sharp U-turn in the middle of the street behind Grayson's car. [REDACTED] said the deputy got out of his vehicle, with his gun drawn. [REDACTED] said she heard the deputy say "move and I will shoot." [REDACTED] said she saw Chaka in the car, and she heard gunshots. [REDACTED] said she saw glass shattered, and "Chaka took off down the street."

Detective [REDACTED] asked [REDACTED] what she was paying attention to and she said she was in "shock." [REDACTED] said, "I never saw an officer get of his car with his gun out." Detective [REDACTED] asked her if she saw Grayson. [REDACTED] said she saw Grayson, and he looked "confused and dazed." She said Grayson was looking at the officer, and the officer was repeating "If you move I'll shoot." She said she could not hear Grayson say anything, because his windows were rolled up.

█████ said the deputy started shooting, and Grayson sped off. She said she heard the tires "burning rubber." She said the deputy was at the side of Grayson's vehicle when he started shooting, and she did not know what caused him to shoot. █████ said she saw Grayson's car windows breaking. █████ said at the time of the shooting that the deputy was walking in the middle of the street.

When asked about the deputy's position, █████ said the deputy was parallel to the driver's door of Grayson's vehicle, but he was at a distance. █████ estimated the distance was approximately 10-12 feet. █████ said she never saw the deputy in front of Grayson's car. █████ said she heard the shooting prior to Grayson's vehicle moving. She said she did not see the car move prior to the shots being fired. █████ said the deputy was in the middle of the street and fired two more shots at the vehicle that Grayson was driving. To clarify, █████ said the deputy turned toward the vehicle as it was leaving and fired two shots at the car for a total of six shots.

Detective █████ asked █████ how far down the street Grayson's car was when the deputy fired the last two shots and she said "he was almost to the street light (Terners Drive and Donahue Street), but she did not want to guess that." █████ said she did not see what the deputy did after the shooting because her focus was on the kids in the area.

█████ said that it was "chaos" and that children were running in the street. She said she called the children she knew to go to her house, and she then drove off. █████ was asked how she knew Grayson, and she said she "kinda" knows him from the neighborhood and knew he was in the tan Buick Regal.

█████ was then given photos of the scene to describe where she was when she witnessed the incident. Detective █████ noted some discrepancies as to where █████ placed her car in relation to the incident. █████ described her position in relation to Deputy Kubota's car in great detail. █████ also drew a diagram that showed her position in relation to Deputy Kubota's vehicle. In the picture her car is parked facing south, south of Grayson vehicle. █████ would have to have turned around in her car and look back in order to see the incident. Additionally, from photos taken of the crime scene shortly after the incident, it would have been impossible for █████ car to be parked where she claims because there was already a vehicle parked in that position. She also claimed she saw Grayson's face and described Grayson as "confused and in a daze." From the position █████ described she was in, she could not have seen Chaka Grayson's face as she described.

I contacted the owners of both of the vehicles that were parked where █████ said she was parked. The owner of the silver Honda License # █████ was █████ █████ said he parked his vehicle in front of █████ around 1100 hours on 07/07/13 and the vehicle was there throughout the incident until the crime scene was reopened. Additionally, he told me he was at his friend's house at █████ when the shooting happened. He heard approximately 5 gunshots and walked out to the area where his car was

parked. He estimated it took him less than one minute to get outside. He did not see any cars drive away and said there was no car parked in front of his vehicle.

I spoke with [REDACTED] who was borrowing her friend, [REDACTED] 1999 Infiniti California License plate # [REDACTED] [REDACTED] parked the vehicle in front of [REDACTED] and it was parked behind [REDACTED] silver Honda. She had parked the vehicle at that location on Terners Drive on 07/06/13 and it remained in that spot throughout the shooting until the crime scene was released. She told me she was at home during the shooting on 07/07/13. She heard 3-4 shots and walked out to her balcony which has a partial view of Terners Drive and the area where the shooting took place. She said she looked onto Terners 30-40 seconds after she heard the gunshots stop. She also did not see any vehicles drive away from the area where her car was parked as described by [REDACTED]

Statement:

[REDACTED] told Detective [REDACTED] and Investigator [REDACTED] that she was in the front passenger seat of [REDACTED] vehicle, and she stated she did not know what was going on until she saw the deputy make a u-turn in the street. She said she was facing the other way talking to her sister, [REDACTED] (west toward the park). [REDACTED] said she heard three shots and looked to the street. [REDACTED] said at the same time [REDACTED] was telling her what was happening. [REDACTED] said as she looked to the street, she saw the deputy walking down the middle of the street towards the lines in the street. [REDACTED] said she saw the deputy fire two to three shots. She said she got out of the car and helped get kids out of the street, who were running in the street behind the deputy.

[REDACTED] said she saw Grayson's car parked at the curb, with him in the car, as she and [REDACTED] went to the Dollar Store. I asked [REDACTED] where she saw the deputy in relation to Grayson's car during the incident, and she said he was between the front and back door area, in the middle of the street. She said the deputy was standing on her side of the yellow lines. She said she was out of the car and in the street after the deputy fired the first shots. It should be noted that [REDACTED] said she was facing the opposite direction of the deputy when the first shots were fired.

[REDACTED] was asked to look at the map that [REDACTED] had drawn earlier in the interview. [REDACTED] agreed that [REDACTED] representation was accurate and acknowledged that she did not see the entire incident. She said the incident happened very quickly approximately 60 seconds. She knows Grayson through [REDACTED], who went to school with Chaka Grayson.

She was asked if Grayson had to turn to get out of his parking spot. [REDACTED] said she thought Grayson did have to turn to get out but she said she wasn't sure. She said the incident happened so fast. She said she wasn't sure how Grayson

got out of there (parking spot), but knew he got out of there in a hurry. She said from her view, the officer was not in any danger of getting run over.

During Detective [REDACTED] interview with [REDACTED] she said she was speaking with [REDACTED], [REDACTED] at the time of the shooting. Novato P.D. Detectives made an appointment to meet with [REDACTED] and [REDACTED] in Vallejo, on 08/28/13 at 1600 hours.

When Detectives [REDACTED] and [REDACTED] arrived at the meeting spot in Vallejo, [REDACTED] stated she would not allow [REDACTED] to speak to Novato P.D. Detectives. [REDACTED] told Detective [REDACTED] that she was advised by friends and relatives to contact Chaka Grayson's attorney, [REDACTED] prior to meeting with them. [REDACTED] said that [REDACTED] told her not to allow [REDACTED] to speak to Detective [REDACTED] until he was able to meet with [REDACTED]

On 02/20/14, I contacted Chaka Grayson's attorney [REDACTED] I told [REDACTED] that I would like the opportunity to speak with [REDACTED], Shadeena [REDACTED] and [REDACTED] [REDACTED] said he would attempt to facilitate that interview and get back to me. On 03/13/14 at 1045 hours, [REDACTED] returned my phone call and said he would not be able to facilitate a follow-up interview with [REDACTED]

I obtained a copy of this interview of both [REDACTED] and [REDACTED] and submitted it as evidence item # MS5.

Vehicle Processing:

On 07/16/13, at approximately 0900 hours, I went to the Novato Police Department Garage where the vehicle Chaka Grayson was driving during this incident was being stored. NPD Detectives were serving a search warrant on the vehicle and California DOJ Criminalists [REDACTED] and [REDACTED] were identifying, processing, and conducting trajectory testing of the bullet holes on the vehicle at the request of Novato PD. The vehicle was placed in an isolated area of the garage and photographed prior to any testing. NPD Officers also used the Total Station Forensic mapping device. This system uses fixed points on the vehicle and creates a computer generated map of the vehicle. Once trajectory rods were placed on the bullet holes by placing a marker at the entrance of the hole in the vehicle and the end of the trajectory rod, an approximate angle of the shots can be established.

On that day, NPD and DOJ Investigators located 10 bullet holes in the vehicle. They were numbered from the front to the back, 1-10.

DOJ Inspectors [REDACTED] and [REDACTED] placed trajectory rods through all the located bullet hole or strike areas in an attempt to determine an approximate location of the shooter at the time the shot was fired. DOJ Inspector [REDACTED] told me that due to a number of factors, it was impossible to determine the exact location of the shooter for each shot fired. She said unlike a room where a static shooting takes

place, shooting at a moving vehicle has many factors that make determining the shooter's exact position impossible. She explained that the factors include the height of the person firing the rounds, the moving vehicle, changing shooter position, changing vehicle position, variable/changing terrain, as well as the condition of the vehicle at the time of the incident.

Grayson's vehicle had damage to the front driver side wheel area, including a flat tire. Any exact measurements as to the trajectory of the rounds was affected because the condition of Grayson's vehicle was likely different prior to the shooting.

On 08/07/13, DOJ Investigators [REDACTED] and [REDACTED] returned to Novato Police Department at the request of NPD because during the search of the vehicle on 07/17/13, 2 additional bullet holes/strikes were located. I was not present during this portion of the investigation; however, I did review several reports prepared regarding them. While examining the front driver's side tire, NPD Detective [REDACTED] located what he believed was a small bullet hole in the tire that had not been previously identified. The hole was located on the outside portion of the tire side wall.

Upon further examination, Detective [REDACTED] located an exit hole on the top outside portion of the tire's side wall. Once the tire was pulled off, Detectives located 1 bullet strike point and 1 bullet hole on the fire wall area/ frame rail. These bullet strikes were labeled #11 and #12. DOJ investigators were able to place trajectory rods and determine approximately where Deputy Kubota was standing when those shots were fired.

Based on their investigation, the DOJ Investigators were able to come up with approximate trajectories for the rounds labeled 1-12.

#1- Located in the rear portion of the trunk lid. The approx. trajectory of this round was back to front and left to right (driver's side to passenger's side) with a slight downward angle.

#2- Located in the "D" Piller, (upper rear quarter panel behind rear door) The approximate trajectory of that round was back to front and left to right with a slight downward angle.

#3- Located in the roof of the vehicle above the rear door, driver's side. The approximate trajectory of that round was back to front and left to right with a slight downward angle.

#4- Located bullet strike (no hole) in roof near the center/rear portion. The approximate trajectory of that round was back to front and left to right.

#5- Located In the rear door on the driver's side near the door hinges. The approximate trajectory of that round was back to front and left to right with a slight upward angle.

#6- Located In the driver's side door just above the door handle. The approximate trajectory of that round was back to front and left to right.

#7- Located in the driver's door window, grazing the rubber molding at the bottom driver's side window. The approximate trajectory of that round was approximately perpendicular to the car and from left to right (driver's side to passenger side.)

#8- Located in the center portion of the driver's side door. The approximate trajectory of that round was approximately perpendicular to door with a slight downward angle and traveling left to right (driver's side to passenger side.)

#9- Located in the front portion of the driver's door. The approximate trajectory of that round was front to back and left to right and downward.

#10- Located on passenger's side door panel, was determined to be a consistent trajectory with bullet hole #7 and determined to be the continuation of bullet #7.

#11- Dent at the rear of the driver's side wheel well. The approximate trajectory of that round was described as varying depending on the tire position and road surface. One possible trajectory is that the bullet struck the tire at the top of its rotation and then the rear of the driver's side wheel well. If the tire was at a different point in its rotation when the bullet struck it, it would not strike the rear of the wheel well.

#12- Perforating hole through the front driver's side wheel well and through the apparent engine firewall. The approximate trajectory of that round was front to back and left to right (driver's side toward passenger's side).

NPD Officer [REDACTED] with the assistance of Criminalists [REDACTED] and [REDACTED] from the San Mateo County Sheriff's Forensic Lab, were able to replicate the approximate position of the wheel when Deputy Kubota fired at the vehicle. To do this, NPD Officer [REDACTED] cut the tire off of the rim from Grayson's vehicle and examined it inside and out. Officer [REDACTED] later placed damaged tire of the damaged rim and strapped it on the rim. He then filled the tire with foam to simulate the tire being filled with air. He then placed the tire back on Grayson's vehicle but was unable to match the entrance and exit holes on the tire with either the bullet strike or the bullet hole located on the metal wheel well because of damage to the vehicle.

During the course of the investigation, NPD Detectives determined that Grayson had struck a curb located on Donahue Street while fleeing the scene. When Grayson hit the curb, he damaged the internal mechanism and tire of the vehicle. Because of the damage, it was impossible to match the bullet strike in the tire with the strikes on the inner wheel well. NPD was able to obtain an exemplar 1993 Buick Lesabre with nearly identical dimensions to Grayson's vehicle. San Mateo criminalists were able to make a mold of the bullet strike and bullet hole on the inner frame of the wheel well on Grayson's vehicle. They then placed that mold on the exemplar Buick Lesabre. They then placed the damaged tire and

rim, which had been filled with foam to simulate air in the tire. They were then able to match the entrance and exit hole in the tire with the bullet strike (#11) located on the inner wheel well. In order to line up the holes in the tire with the bullet strike on the inner frame, they had to turn the steering wheel to the left. NPD Officer [REDACTED] and San Mateo County SO Criminalists believed that based on their investigation, Grayson's wheel had to be turned to the left when the bullet entered the tire and struck the wheel well.

Based on the statements of Deputy Kubota and the evidence at the scene, it appears that the first rounds that were fired by Deputy Kubota were likely rounds #12, #11 and #9. It is impossible to determine which shots were fired in which order. However, the trajectory of rounds #12, #11, and #9 suggest that Deputy Kubota was standing in a position forward of the driver's side tire of Chaka Grayson's vehicle at the time they were fired. Based on NPD Officer [REDACTED] examination using an exemplar vehicle, it appears that Grayson's vehicle was turning to the left (toward Deputy Kubota) at the time the shot was fired.

The DOJ reports regarding the trajectory testing in this case are attached to this report. See attachment # MS14.

Crime Scene Reports:

This scene was located towards the south end of Terners Drive, just prior to the intersection of Terrace Drive. Terners Drive runs north and south and ends at Donahue Street to the north and ends at Terrace Drive to the south. Adjacent to the scene, on the east and west side of Terners Drive, there is a grassy park-like open area with residences running along the north and south borders. Marin County Sheriff's patrol vehicle unit # 09-27 labeled as V-1 in diagrams. V-1 was parked within the northbound lane of Terners Drive perpendicular to the east curb. The front of V-1 was facing to the east.

Just north of V-1, approximately 1.5-2 car lengths away was an Oldsmobile Sedan (labeled V-2, [REDACTED]) parked along the east curb. V-2 was facing in the north direction. NPD Detectives noted some minor damage to the left rear portion of the rear bumper. Across from V-2, NPD Detectives noted two vehicles parked along the west curb. A Honda Accord sedan (labeled V-3, [REDACTED]) V-3 was parked facing the south. Just behind V-3, I observed an Infinity Q45 sedan (labeled V-4, [REDACTED]). V-4 was parked just behind V-3 along the west curb and also facing to the south.

In the roadway, between V-2 and V-4, NPD and San Rafael PD Detectives located 16 shell casings and two bullet fragments. These items were marked, photographed in place and collected. One of the shell casings (NC8) appeared to be damage. It is possible that this casing was bent by an unknown vehicle driving through the scene prior to it being shut down and taped off. Deputy Kubota stated in his interview that at least 3 vehicles ran over the crime scene prior to it being taped off.

In the roadway just north of the shell casings and bullet fragments, there was a moderate sized area of shattered glass in the roadway. This area was labeled NC22 and a small sample of the glass was later collected. During a further search of the scene, a small piece of concrete was found on the east sidewalk just southeast of the patrol vehicle (V-1). This item was labeled NC23.

A search of the interior of V-1 was conducted. The CSI team located a rock inside the trunk of V-2. The rock was wrapped in a latex glove. Deputy Kubota said this rock was the rock that was thrown from the crowd that struck him in the face. Deputy Kubota had collected it at the scene, wrapped it in a latex glove and placed it in the back of his patrol car.

NPD Corporal [REDACTED] used an electronic "Total Station" map of the scene in an effort to memorialize evidence locations. Using his electronic surveying equipment, Corporal [REDACTED] took measurements of the scene. The measurements included the location of the vehicles, sidewalks, trees, and light poles and where evidence was located in relation to landmark objects. I later used these "Total Station" diagrams during my interview with Deputy Kubota.

I was present at the crime scene on the evening of this incident. I noted the location of the shell casings and the broken glass in relation to Deputy Kubota's vehicle. I also reviewed the diagrams from the "Total Station" provided by the Novato Police. I noted that all the shell casings were located within an approximately 35 foot radius. This is consistent with Deputy Kubota's statement that he was in relatively the same position when he fired his entire magazine at Grayson's vehicle. Had Deputy Kubota been running down the street firing as some witnesses have suggested, the shell casings would have been more spread apart and located on the east side of the street.

Most of the shell casings were located on the west side of the street. This is consistent with Deputy Kubota firing in a southeasterly direction. The Glock pistol issued to Deputy Kubota ejects spent casing out of the right side of the gun. A few of the shell casings were located toward the middle of the street which is consistent with Deputy Kubota's statement that he fired at Grayson's vehicle as it sped away northbound. Additionally, at least 3 vehicles ran over the crime scene that likely caused some of the shell casings to move. One of the shell casings was damaged (likely by being run over by a vehicle).

The "Total Station" maps are attached to this report as MS17.

Interview with Deputy Evan Kubota:

On 01/02/14 at approximately 1000 hours, I conducted an interview with Deputy Kubota regarding this incident. Assisting me with the interview was Sergeant [REDACTED]. Deputy Kubota was present and also present was his attorney, [REDACTED], from the law offices of [REDACTED]. On 01/01/14, prior

to conducting the interview, I provided a written Notice of Administrative Investigation and a Notice of Administrative Interrogation to Deputy Kubota. On the morning of 01/01/14, prior to the interview, I provided Deputy Kubota with a Lybarger Advisement Form and a Summary Explanation of Police Officers Rights Form, which he read and signed prior to the interview. The interview was recorded using a digital recorder.

I began the interview by asking Deputy Kubota to recount the incident from the point that he turned onto Terners Drive just prior to the shooting; however, I explained to him that if he needed to start from an earlier point to assist with recalling the incident he could. Deputy Kubota told me the following in summary.

He said on 07/07/13 while conducting an unrelated traffic stop, he had a conversation with Deputy [REDACTED] who had provided back-up on the traffic stop. During the conversation, Deputy [REDACTED] told Deputy Kubota that he had been parked at the Bait Shop watching a vehicle that Chaka Grayson had been known to drive. Deputy [REDACTED] and his FTO [REDACTED] had checked Grayson's driver license status earlier in the day and knew that Grayson had a suspended driver's license. That is how Deputy Kubota knew that Grayson had a suspended license and was suspected of driving around Marin City. Deputy Kubota had also seen Grayson earlier in the shift in the 200 Parking Lot, Marin City.

Deputy Kubota said around 1800 hours, he was driving on Donahue Street and made a left turn onto Terners Drive. As he was driving up Terners Drive, he saw a vehicle make a right turn from Terrace Drive onto Terners Drive traveling north. According to Deputy Kubota, that vehicle was the only other vehicle on Terners Drive at the time. The vehicle made a drastic right turn to the curb and parked very quickly which was immediately suspicious to Deputy Kubota. As he continued up Terners Drive, he continued looking at the vehicle and did not see anyone leave the vehicle. As he got closer, he could see the driver had moved from the driver's seat to the passenger's seat. At that point he recognized the person sitting in the passenger's seat as Chaka Grayson. He knew Grayson from previous contacts and knew Grayson was on parole and had a suspended driver's license. Deputy Kubota believed he had witnessed Grayson commit a misdemeanor violation of driving on a suspended license.

Deputy Kubota turned on his emergency lights and attempted to pull behind Grayson's vehicle. He made a U-turn but was unable to make a complete turn. At this point his vehicle was at a 45 degree angle from the sidewalk, approximately 20-25 feet behind Grayson's vehicle. His intent was to reverse his vehicle and pull in directly behind Grayson and call out a traffic stop to dispatch. As he attempted to do this, Grayson opened the passenger's side door of his vehicle stood up on one foot and started to step out of his car. At that point Deputy Kubota felt that Grayson was going to run.

Deputy Kubota got out of his vehicle and ordered Grayson by name to stop. Grayson immediately got back in his vehicle and dove across the seat so Deputy Kubota could not see him. He drew his weapon and approached Grayson's

vehicle on the driver's side. As he was approaching, he was giving Grayson verbal commands to show his hands saying "let me see your hands." While he was approaching, Grayson remained lying down but reached up with one of his hands and started the car. Grayson then sat up in his vehicle, but was still trying to hide by leaning back. Deputy Kubota continued to shout verbal orders to Grayson to stop and show his hands. Deputy Kubota took a position just forward of Grayson's driver door and continued to issue commands to Grayson. Grayson looked at him but continued to try and move the vehicle. It was clear to him that Grayson saw him and his weapon and heard his orders, but he was refusing to comply.

Deputy Kubota described the events as rapidly changing from a traffic stop to a possible foot pursuit, to Grayson possibly reaching for a weapon to now starting the vehicle. It was clear to him at that point that Grayson was attempting to flee the scene, but he still did not know if Grayson had a weapon in his hand. Grayson put the vehicle in drive and rapidly accelerated forward. Deputy Kubota took a step back from the vehicle. Grayson pulled the car forward but ran into the back of a vehicle that was parked in front of him. The passenger's side bumper of Grayson's vehicle struck the driver's side rear bumper of the vehicle parked in front of him, causing Grayson to stop. Deputy Kubota said had Grayson been able to complete the turn, Grayson would have pulled away, and he would have gotten in his car and pursued him. Grayson instead put the vehicle in reverse and backed up which caused the front driver's side of his vehicle to swing toward him and now be pointed directly at Deputy Kubota. He was looking directly at Grayson, and Grayson was looking at him. Grayson put the vehicle into drive and accelerated toward Deputy Kubota. Deputy Kubota stepped out of the way and said had he not stepped out of the way, he would have been hit. He discharged his weapon at Grayson in an attempt to stop Grayson's actions. He said Grayson clearly tried to assault him, and he believed Grayson was possibly going to continue to attempt to hit him. He said he fired as Grayson's vehicle was next to him and as it passed him, because he believed at any point, Grayson could have stopped and backed his vehicle up to attempt to strike him. He fired all of the rounds in his magazine to both protect himself and to effect the capture of Grayson. Deputy Kubota said he believed Grayson was going to turn his vehicle to hit him. He was vulnerable in the middle of the street. He said when he fired his last round, Grayson was past him but was relatively close (10-15 feet).

Deputy Kubota continued down Terners Drive in an attempt to determine where Grayson was going. He reloaded his weapon and called out shots fired on the radio. He ran all the way down to Terners and Donahue and lost sight of the vehicle. He said once he turned the corner, a pedestrian who was standing near the southbound 101 exit motioned that Grayson's vehicle had turned toward Drake Ave. At that point Deputy Kubota put out over the radio that Chaka Grayson was the suspect and that he was headed toward Drake and requested that responding units to lock down Marin City to attempt to capture Grayson.

Deputy Kubota made his way back to his vehicle, and as he did, he saw vehicles driving down Terners from Terrace Drive. The vehicles were driving over the crime scene. At that point he moved his vehicle perpendicular to the sidewalk to block traffic from coming down Terners. He directed other responding units to block off the north side of Terners Drive and ended up assisting in placing crime scene tape around the area. Deputy Kubota said he was confronted by one person but he could not remember what that person looked like.

Deputy Kubota said while placing crime scene tape, he was struck by a rock, which was thrown from the crowd standing on the east side of Terners Drive. Sergeant [REDACTED] arrived on scene and took Deputy Kubota's weapon. Sergeant [REDACTED] had Deputy [REDACTED] drive Deputy Kubota to the substation where he was treated for his injuries, and subsequently he was transported to the hospital.

I then asked Deputy Kubota some specific questions. I asked him about his knowledge of Chaka Grayson. Deputy Kubota told me he knew Grayson was on state parole and had a suspended driver's license. He said he has only had one call involving Grayson and that was a civil standby approx. 3 months ago. He said he knew when he was working in Area 2 a couple years ago, he remembered Grayson was wanted for something and was working at a car wash near Area 2. He knew about an arrest in 2010 in Novato where Grayson got into a vehicle pursuit and ended up crashing. He knew Grayson was a violent felon. He said he remembers receiving an email being sent out which laid out Grayson's history. He remembered reading that Grayson was a 415 Kumi Gang member. He knew that he had assaulted Deputy [REDACTED] during a foot pursuit. He reiterated that his contacts with Grayson were very limited, but he knew he was an active criminal and was someone to keep an eye on.

I asked Deputy Kubota when he turned onto Terners Drive from Donahue Street, if there were any vehicles in front of him. Deputy Kubota said there were no vehicles in front of him. He said when he got onto Terners Drive, he did not believe there were any vehicles in front of him and he said he had a clear view down Terners Drive. He did not remember seeing any pedestrians on the sidewalk.

I asked Deputy Kubota about how Grayson's vehicle was parked after Grayson made the abrupt turn. Deputy Kubota said the parking job was normal, but the way Grayson pulled to the right so quickly was suspicious. I asked him to estimate how far away he was from Grayson's vehicle when Grayson made the abrupt movement to the right. Deputy Kubota said he was approximately 100 yards away from Grayson's vehicle he Grayson pulled over.

I asked Deputy Kubota how far away he was when he recognized Chaka Grayson as the person that was in the vehicle. He said his attention was completely on the vehicle once the vehicle abruptly pulled over. He said he slowed his vehicle down and was approximately 100 feet, if not less from Grayson's vehicle when he recognized Grayson. He said Grayson had already moved to the passenger's seat of the vehicle.

I asked Deputy Kubota once he saw Grayson start to step out of the vehicle, what he thought Grayson was going to do. Deputy Kubota said he felt like Grayson was going to run. He believed Grayson was watching him to see what he was going to do. He believed that if he put his vehicle in reverse like he had intended to do, Grayson would have fled on foot, and he would have been chasing him.

I asked Deputy Kubota to describe the positioning of his vehicle when he made contact with Grayson. He estimated that he was 20-30 feet or 2-3 car lengths behind Grayson with his vehicle parked at an angle. He said his right tire was touching the curb and his left tire was about 2-3 feet from the curb. I then provided Deputy Kubota with a Total Station map provided by Novato PD. The map depicted the positioning of the vehicles as they were left at the crime scene. Deputy Kubota had moved his vehicle after the incident, in order to block traffic from entering the crime scene. I wanted to get a better idea of how he pulled behind Grayson. Deputy Kubota drew an approximate position of how his vehicle was parked during the shooting. I later had him show the positioning of Grayson when Grayson attempted to get out of the vehicle, as well as his approach to the vehicle. That map is labeled #1 and is attached to this report.

I asked Deputy Kubota if he turned on his emergency lights. Deputy Kubota said he did energize his lights, but he did not turn on his siren.

I asked Deputy Kubota when he stepped out of his car, where was Grayson. He drew on the map (labeled #1). When he stepped out of his vehicle, Grayson had one foot out of his vehicle. Deputy Kubota stepped out and said, "Chaka, stop right there." At that point he thought Grayson was going to run. Upon hearing his command, Grayson got back into his vehicle and laid down across the front seat out of Deputy Kubota's sight. Deputy Kubota said he was giving the orders as he was getting out of the vehicle. Deputy Kubota began to approach the vehicle, and he drew his weapon. He did so because Grayson was now out of his sight, because he was lying down and not obeying his commands. He said his initial concern was that Grayson was going to get a weapon, because there was no other reason for Grayson to be lying down.

I asked Deputy Kubota what command Grayson disobeyed, and he said stop right there and the command to show his hands. He said his initial concern was that Grayson was going for a weapon and when Grayson went out of his sight, he didn't think Grayson was intending on driving away, because he didn't get into the driver's seat. He said he was standing approximately 3 feet away from Grayson's car. He said the car started and the first thing he saw was Grayson's hand drop from the area of the ignition, but he could still not see Grayson's other hand. Deputy Kubota moved to a position just forward of the driver's side door, but he still couldn't see most of Grayson's body, because he was about 3 feet away from the vehicle. He said Grayson sat up in the driver's seat but was slouched down or hunkered down against the driver's door. He was giving orders to show me your hands and stop the vehicle. Deputy Kubota said he believed Grayson heard him because he was yelling very loud with very clear

commands. The windows of the vehicle were up but not tinted and Deputy Kubota did not remember hearing any music. He said he could see that no one else was in the vehicle.

Deputy Kubota reiterated that he believed Grayson could see him very clearly and what he could see of Grayson was clear. His commands were very clear throughout the incident. He believed Grayson knew exactly what he was saying and what he meant by those commands. Grayson knew what he was doing and he was not planning on listening. He believed Grayson was intent on getting away, and if that meant hitting him, Grayson would do it and that became very clear to him later.

Grayson sat up and accelerated the car forward. Deputy Kubota stepped back and Grayson struck the vehicle parked in front of him. If there was not a vehicle parked in front of Grayson, Grayson would have taken off down Terners Drive. Once Grayson struck the vehicle in front of him, Grayson put his car in reverse and turned the vehicle to the right and accelerated backwards, which swung the front end of the car at Deputy Kubota. He believed that Grayson's vehicle hit the curb when he backed up. At that point, the front left bumper of Grayson's car was pointed at Deputy Kubota. He stepped out of the way and began firing at Grayson. He was aiming at Grayson to get him to stop. He didn't think shooting at the car would disable the vehicle or stop the threat. He felt that Grayson was going to run him over in order to get away.

I asked Deputy Kubota, if he believed that Grayson was just trying to get away, why he didn't just move out of the way when Grayson was backing up. Deputy Kubota said he didn't think he could have because he was in the middle of the street, and there was no position of cover where Grayson could not hit him. He said it was Grayson's movement of the vehicle that caused him to be in front of the vehicle. Deputy Kubota did not step in front of Grayson's vehicle. As Grayson accelerated forward he stepped to his right (toward the middle of the street) and began to fire simultaneously.

On a separate Total Station diagram, I had Deputy Kubota draw Grayson's vehicle and his position just prior to firing the first shot. I had Deputy Kubota initial it and label it #2. I attached that diagram to this report. The diagram shows Deputy Kubota's position in front of Grayson's vehicle toward the driver's side. Deputy Kubota was not sure how far he was from Grayson's vehicle when he fired but believed it was 4-5 feet. He continued to move as Grayson's vehicle passed him. He believed that Grayson was either going to flee, turn the car around or back- up toward him. He said he felt vulnerable the whole time.

I then gave Deputy Kubota a third Total Station diagram and had him draw on the diagram where he was standing and where Grayson's vehicle was when the last shot was fired. I had Deputy Kubota initial it and label it #3. I attached that diagram to this report. Deputy Kubota estimated he was approximately 15-20 feet from the back of the vehicle when he fired the last shot. I asked him how long he thought it took to fire 16 rounds, which are what he confirmed he was carrying, and Deputy Kubota said 3-4 seconds.

I asked Deputy Kubota about the specific verbal commands he gave Grayson during the incident. He said he initially said "Chaka, stop right there." The commands changed to "stop right there" and "stop the vehicle." He gave the commands consistently throughout the incident and probably gave those commands at least 15 times.

I asked Deputy Kubota what he thought Grayson was doing when he ducked down in the vehicle. He said he believed Grayson was reaching for a weapon, because nothing else made sense to him, and at that point Grayson had not started the vehicle. It became apparent that Grayson was starting the car once he heard the engine start, but at no time did he see both of Grayson's hands to confirm whether or not Grayson had a weapon.

I asked Deputy Kubota about the time frames of the incident. From the time he stopped his car until the time the last shot was fired, he believed the incident lasted about a minute or less. From the time he got out until Grayson got back in the car, it was seconds. From the time Grayson shut the door until the time Deputy Kubota moved to the front of the vehicle, it was about 7-10 seconds. From the time Grayson sat up and started accelerating to the first shot, it was about 10-15 seconds.

I asked Deputy Kubota what the backdrop behind him was when he fired the first shot. He said the backdrop was the open grass area. He did not remember seeing anyone in that area of the park at the time of the shooting.

I asked Deputy Kubota if he was aware of the department policy of shooting at vehicles. He said he was aware of the policy and explained that we are only allowed to shoot at a vehicle to prevent injury to our self or others and it is a life or death situation.

I asked Deputy Kubota when he fired his first shot, where was he aiming. He said he was point shooting (not using his sights) but aiming at Grayson. He was moving and shooting. He said he felt as if he had aimed at Grayson using his sights, he likely would have had an accurate shot but would have been hit by the vehicle. I asked him if he intentionally fired at Grayson's tires, and he said he did not aim at the tires.

I asked Deputy Kubota what the backdrop was when he fired the last several shots. He said he believed his backdrop was an empty street downhill, and so his backdrop was the asphalt and Grayson's vehicle. In response to my question, he said he was not concerned about his rounds going into the Gateway Mall. Sergeant [REDACTED] asked him if he saw any bystanders in the area. Deputy Kubota said he did not see any bystanders in the area.

Deputy Kubota said Grayson did not "peel out" when he accelerated toward him, but he did accelerate rapidly away. He said Grayson drove down the street and made a high speed turn to the right onto Donahue Street. He said Grayson slowed down a little as he approached the intersection. He did not notice what the traffic conditions were.

I asked Deputy Kubota at what point he moved to the sidewalk. He said he did move to the sidewalk pretty rapidly after the last shot was fired. He said when he called in "shots fired" on the radio, he was on the sidewalk.

I asked him Deputy Kubota about traffic on Terners Drive after the shooting. Deputy Kubota said there were several vehicles that went up Terners Drive toward Terrace Drive and at least a few vehicles ran over the crime scene. He did not know if any shell casings moved after they got run over. When he returned, there were crowds gathering near the crime scene.

Sergeant [REDACTED] asked Deputy Kubota how he knew Grayson was driving the vehicle. Deputy Kubota said Grayson was the only possible driver of the vehicle because he was the only one in the vehicle. Once he saw the vehicle make the abrupt movement, he never took his eyes off the vehicle. There was no possible way, because he never lost sight of the vehicle.

The final question I had for Deputy Kubota was that in the interview with Novato PD, he never mentioned that he shot at Grayson because he was a "fleeing felon." At the beginning of the interview with me, Deputy Kubota said one of the reasons he continued to shoot at Grayson was because he was a fleeing felon. Deputy Kubota said he believed Grayson had intent to hit him. Deputy Kubota said Grayson was a fleeing felon, but his intent to shoot Grayson was to stop Grayson from running him over. Deputy Kubota felt even when Grayson passed him, Grayson could have put the car in reverse or turned the car around and struck him. Deputy Kubota said it was possible that Grayson did not stop and back up, because he was still firing at Grayson's vehicle. He felt that Grayson was both a fleeing felon and still presented a risk to him from the time Grayson accelerated until the last shot was fired.

Deputy Kubota's Attorney, [REDACTED] asked some follow-up questions. She asked Deputy Kubota why he felt it was necessary to use that level of force. Deputy Kubota said being in the position he found himself in, all the shots he fired, from the first shot to the last shot, were all to stop Grayson from running him over. He felt even though Grayson's car had passed him, Grayson still had the ability to run him over. Deputy Kubota felt his life was in danger the entire time, and he felt that way the entire time. He understood and had been in situations where cars have taken off on him and he had not fired. He said he did not fire when Grayson initially drove away (when Grayson struck the vehicle parked in front of him.) It was only when Grayson's vehicle was turned toward him and Grayson accelerated toward him that he felt his life was in danger and he needed to shoot. He did not feel he had any alternative, because he really didn't know what Grayson's intentions were. He felt he did not have any alternative, including using less than lethal options.

I asked Deputy Kubota if he could have run to the sidewalk on the west side of the street to remove the threat. Deputy Kubota said Grayson still could have hit him and that he did not think he would have had the time to do that.

I ended the interview at that point. The recording was burned onto a CD and attached to this investigation file as item #MS8.

CHAKA GRAYSON STATEMENT:

On 1/14/14, I spoke with Chaka Grayson's attorney, [REDACTED]. I explained to [REDACTED] that I was conducting an internal investigation into this incident. I told him that nothing Grayson would say to me could be used in his criminal trial. [REDACTED] told me that I shouldn't need a statement from Grayson and it should be obvious what happened based on the witness statements and the crime scene. He went on to say that Grayson could not have struck Deputy Kubota. When I asked him why that was the case, he said "because vehicles don't move sideways." [REDACTED] declined to have Grayson make a statement in this case saying that he couldn't see any benefit to Grayson by making a statement.

I did receive a copy of the claim filed against the County of Marin in this case. The claim, filed through the law offices of [REDACTED] contains a description of the incident that presumably came from information provided by Chaka Grayson.

The description of the incident claims on 07/07/13 at approximately 5:00 pm, Grayson was sitting in the passenger's seat of his parked vehicle. Grayson saw Deputy Kubota make a u-turn in his vehicle and park perpendicularly behind Grayson's car.

According to the statement, Grayson had not violated any laws, was unarmed, had not threatened anyone and did not exhibit any conduct that could reasonably be perceived as committing a crime or being armed in any manner.

For unknown reasons, Deputy Kubota immediately exited his vehicle with his gun drawn. Deputy Kubota's demeanor and conduct were unreasonably aggressive and threatening. Deputy Kubota walked up to Grayson's vehicle saying "don't do it, don't do it." Deputy Kubota never stated what he wanted Grayson to do, why he had Grayson at gunpoint and Grayson was scared by Deputy Kubota's conduct. Fearing for his life, Grayson began to drive away. No one, including Deputy Kubota was in the path of Grayson's vehicle. Although there were bystanders present, they were not in the path of Grayson's vehicle.

Deputy Kubota began unreasonably firing at Grayson. Deputy Kubota ran alongside Grayson's vehicle and continued to fire into the vehicle until Grayson was down the street and out of site.

Deputy Kubota shot Grayson three times in the arm. Grayson suffered extensive trauma, including but not limited to a shattered humerus and loss of mobility in his left hand. Grayson also claims to have suffered severe emotional trauma as a result of the incident.

I attached a copy of the county claim to this report. See attachment # MS18

USE OF FORCE OPINION:

Novato Police Department contracted with [REDACTED] to obtain an expert use of force opinion of this case. [REDACTED] is the owner of [REDACTED] and has an extensive background and is an expert in use of force incidents.

[REDACTED] was provided with Novato Police Department's case file in this case. [REDACTED] opined that Deputy Kubota's use of force in this case was reasonable.

[REDACTED] based his opinion on the following facts about the incident.

Deputy Kubota had a lawful reason to detain Grayson based on the misdemeanor violation of 14601 V.C. and the fact that Deputy Kubota knew Grayson was on active CDC Parole.

Deputy Kubota parked his vehicle in a poor tactical position because he had to exit his car rapidly to prevent Grayson from running. The poor positioning of Deputy Kubota's vehicle left him in a compromised tactical position.

Grayson's actions of jumping back in the car and laying down out of Deputy Kubota's sight was suspicious and justified Deputy Kubota's heightened officer safety concerns and his decision to pull his firearm.

Deputy Kubota gave Grayson verbal commands as he approached Grayson's vehicle. Deputy Kubota even called Grayson by name. Deputy Kubota gave Grayson continuous lawful commands to show his hands and turn the car off. Grayson refused to comply with Deputy Kubota's orders and started the car's engine while his hands and body were out of Deputy Kubota's sight.

After ignoring Deputy Kubota's command, Grayson sat up in his vehicle, put his car in drive and turned the wheel to the left and accelerated into another vehicle. Deputy Kubota was forced to step back to avoid being hit. Deputy Kubota continued to give verbal commands. After striking the vehicle in front of him, Grayson put his vehicle in reverse, accelerated and struck the curb. Grayson and Deputy Kubota made eye contact with each other. Grayson accelerated his vehicle toward Deputy Kubota.

Deputy Kubota felt he was in imminent danger of serious bodily injury or death. Deputy Kubota stepped out of the way to avoid being struck by Grayson's vehicle and began to fire his handgun at Grayson to stop Grayson's assault. Deputy Kubota continued to fire and expended all 16 rounds from his handgun.

Crime scene processing showed a round fired by Deputy Kubota entered the tire and struck the left front wheel well of Grayson's vehicle. Trajectory tests indicate Deputy Kubota was positioned slightly behind the driver's side front end but in

front of the left front tire when the round was fired. [REDACTED] stated in his report that this was an extremely hazardous position for Deputy Kubota.

California Penal Code section 835a states in summary that police officers that have probable cause to believe a crime has been committed may use reasonable force to effect arrest, prevent escape or to overcome resistance. Peace officers attempting to make an arrest have no obligation to retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self defense in using reasonable force to effect the arrest.

In this case, Grayson was armed with a vehicle and no other force options were reasonable or appropriate to stop Grayson's assault.

Deputy Kubota stated that the assault by Grayson caused him to fear for his life. In [REDACTED] opinion, any reasonable officer would have felt in imminent danger of serious bodily injury and or death.

Based on witness statements all rounds fired by Deputy Kubota were fired in very rapid fashion and the placement of the shell casings indicate that all 16 rounds were fired from the immediate vicinity of where the initial assault took place.

Deputy Kubota said he continued firing at Grayson because he feared Grayson could have reversed his vehicle and continued his assault. Grayson was armed with the vehicle throughout this incident.

A non-scientific test was conducted by Novato PD Sergeant [REDACTED] using a Glock Model 22 Pistol with the same ammunition Deputy Kubota was carrying at the time of this incident. Sergeant [REDACTED] was able to fire 16 rounds from the Glock 22 in approximately 4 seconds.

[REDACTED] went to the crime scene on 9/29/13. He was shown the location which primary witness [REDACTED] said he was standing when he witnessed the incident. [REDACTED] noted numerous items that obstructed his view of the crime scene and would have obstructed [REDACTED] view as well.

I have attached a copy of the report prepared by [REDACTED] and attached it to this report. See attachment # MS15



MARIN COUNTY SHERIFF'S OFFICE
BUREAU OF ADMINISTRATION
& SUPPORT SERVICES

Date: 01/20/14

To: Sheriff
(via) Chain of Command

From: Sergeant [REDACTED]

Subject: Index of Witnesses – Section III
CC No:
SI No: 13-10

Instructions: Every witness interviewed shall be listed in alphabetical order with the corresponding time and date of interview, and tape number. Every taped interview will be transcribed prior to submitting the report for final approval. Each transcript will be saved to a disk.

NAME OF WITNESS	INTERVIEW TIME / DATE	TAPE NO.
[REDACTED]	07/07/13 at 2200 hours	MS1
[REDACTED]	07/07/13 at 2300 hours	MS2
[REDACTED]	12/19/13 at 1200 hours	MS3
Neighborhood check	07/14/13 1730-1930 hours	MS4
[REDACTED]	08/15/13 at 1100 hours	MS5
[REDACTED]	07/10/13	MS6
Deputy Evan Kubota (NPD Int)	07/08/13 at 1545 hours	MS7
Deputy Evan Kubota (SI Int)	01/02/14 at 1000 hours	MS8

1
2 INTERVIEW WITH [REDACTED]

3 INTERVIEWED BY NOVATO POLICE DETECTIVES [REDACTED] AND [REDACTED]

4 [REDACTED] AND MARIN COUNTY SHERIFF'S OFFICE SERGEANT [REDACTED]
5

6 [REDACTED] THE DATE IS...SEVENTY-SIX THIRTEEN.

7 [REDACTED] YES.

8 [REDACTED] AND THIS IS [REDACTED], [REDACTED]?

9 [REDACTED] IS THAT DRIVE OR?

10 [REDACTED] YES.

11 [REDACTED] OKAY, NUMBER [REDACTED]. THE ZIP CODE HERE.

12 [REDACTED] AH [REDACTED].

13 [REDACTED] AND YOU HAVE A WORK ADDRESS OR?

14 [REDACTED] NO. I HAVE A WORK FROM...

15 [REDACTED] [REDACTED] OR SOME....

16 [REDACTED] I'M A STAY AT HOME DAD.

17 [REDACTED] GOOD FOR YOU.

18 [REDACTED] I'M (UNCLEAR) FREELANCE.

19 [REDACTED] WHAT KIND OF WORK DO YOU DO?

20 [REDACTED] I DO GRAPHIC DESIGN MOSTLY NOW DAYS AND A BRAND
21 DEVELOPMENT. THINGS ALONG THOSE LINES.

22 [REDACTED] RECOVERING DEEP MEMORY.

23 [REDACTED] HI.

24 FEMALE HI.

25 [REDACTED] INSPECTER [REDACTED], NOVATO POLICE DEPARTMENT.

1 [REDACTED] WITH THE SHERIFF'S DEPARTMENT.
2 [REDACTED] AND [REDACTED] (UNCLEAR)
3 [REDACTED] SO WHAT WE'D LIKE TO DO...I UNDERSTAND YOU EACH HAVE,
4 YOU, YOU MAY HAVE BEEN IN A DIFFERENT PLACE FOR
5 (UNCLEAR).
6 FEMALE YEAH.
7 [REDACTED] ...SO I'D LIKE TO TALK TO YOU SEPARATELY, IF I COULD, SO...
8 FEMALE OKAY.
9 [REDACTED] ...WE GET A NICE CLEAN STORY.
10 FEMALE OKAY.
11 [REDACTED] THAT'D BE GOOD? WHAT'S THE ANSWER?
12 [REDACTED] YEAH.
13 [REDACTED] PERFECT.
14 [REDACTED] AND I'LL PROBABLY USE MY EMAIL FOR NOTES.
15 [REDACTED] SURE.
16 [REDACTED] (UNCLEAR.)
17 [REDACTED] YEAH, IF YOU WANT A PULL OUT OR YOU JUST HAVE IT
18 ATTACHED, SEE TECHNOLOGY.
19 [REDACTED] YEAH, IT'S, I HAVE THE EMAIL RIGHT HERE.
20 [REDACTED] I WAS WRITING IT ON A LEGAL PAD AND REALIZED THAT I WAS
21 GETTING...
22 [REDACTED] THERE'S NOTHING THE MATTER WITH THAT.
23 [REDACTED] ... A HAND CRAMP.
24 [REDACTED] THAT'S WHY I'M HIS PARTNER.
25 [REDACTED] I'M A TECHY GUY.

1 [REDACTED] YES. ALRIGHT, THE DATE IS AH 7/06/13. IT'S AH 2200
2 HOURS. I'M AT AH MR. [REDACTED]'S HOUSE, [REDACTED] FIRST OF
3 [REDACTED] (UNCLEAR.) AH [REDACTED] OF [REDACTED] AT [REDACTED]
4 NUMBER [REDACTED] IN MARIN CITY. AND AH [REDACTED] HAS AH
5 WITNESSED THIS EVENT AND IS GOING TO GIVE US A
6 STATEMENT. HE HAS ALSO ALREADY TYPED OUT A AH A
7 STATEMENT ON EMAIL.

8 [REDACTED] YEAH.

9 [REDACTED] AND IN FACT RIGHT NOW, LET ME GIVE YOU MY BUSINESS
10 CARD, WHICH HAS MY EMAIL ADDRESS. SO IF YOU COULD
11 FORWARD TO ME THAT TOMORROW, THAT'D BE GREAT.

12 [REDACTED] YEAH. I'LL...NO PROBLEM.

13 [REDACTED] SO AT THIS POINT AND TIME I JUST WANT A LET YOU KNOW
14 THAT WE ARE, NOVATO POLICE DEPARTMENT IS INVESTIGATING
15 THIS INCIDENT.

16 [REDACTED] OKAY.

17 [REDACTED] SO IT'S NOT THE SHERIFF'S DEPARTMENT.

18 [REDACTED] SURE.

19 [REDACTED] HOWEVER, HE'S HERE BECAUSE HE HAS A DIFFERENT SIDE...THE
20 SHERIFF'S SERGEANT'S HERE 'CAUSE HE HAS A DIFFERENT
21 SIDE OF THE INVESTIGATION THAT HE'S LOOKING AT.

22 [REDACTED] OKAY. OKAY.

23 [REDACTED] OKAY BUT WE'RE ACTUALLY HANDLING THE ACTUAL INCIDENT.

24 [REDACTED] OKAY.

25 [REDACTED] OKAY?

1 ■ SO.

2 ■ SO AH WHY DON'T YOU TELL ME WHAT HA...WHAT TIME YOU WERE
3 OUT AND WHAT, WHAT YOU SAW.

4 ■ OKAY I WAS OUT, IT WAS BETWEEN AH I'M GONNA SAY 5:45
5 AND 6:00 PM. AH WALKED DOWN TO THE STORE TO PICK UP
6 SOME THINGS, DOG TREATS AND WHATNOT. WALKING BACK I
7 COULD SEE THE OFFICER HAD THE GENTLEMEN...DO YOU MIND IF
8 I JUST READ FROM...

9 ■ SURE IF YOU...

10 ■ ...OR WOULD YOU RATHER DO QUESTIONS?

11 ■ ACTUALLY, WHY DON'T YOU GO AHEAD AND TELL ME WHAT YOU
12 REMEMBER FIRST AND THEN YOU COULD REFRESH YOUR MEMORY...
13 SURE.

14 ■ ...OFF THE THING.

15 ■ OKAY SO I'M WALKING DOWN THE SIDE OF THE STREET, SAME
16 SIDE THAT THE INCIDENT HAD HAPPENED ON.

17 ■ OKAY.

18 ■ AHM ABOUT HALF A BLOCK AWAY I FULLY REALIZE THAT
19 THERE'S YOU KNOW AN INCIDENT GOING ON. AHM YOUR
20 OFFICER OR THE OFFICER HAD HIS CAR PULLED WITH ITS, HIS
21 FENDER TO THE, WITH HIS BUMPER TO THE, THE WEST, RIGHT
22 BEHIND THE WHAT I WOULD SAY THE VICTIM'S CAR.

23 ■ SO KIND OF PERPENDICULAR TO THE STREET?

24 ■ THEY WERE AN "L" SHAPE.

25 ■ OKAY.

1 ■ LIKE THIS AND THEN THE OR THIS IS YOUR OFFICER AND THIS
2 IS THE CAR. AHM HE WAS FACING WEST, THE OTHER CAR WAS
3 FACING NORTH. THERE WAS ALSO A SILVER CAR IN FRONT OF
4 THE VICTIM'S CAR. AHM AND AT THE POINT I WALK UP, I
5 COULD HEAR THEM, I FEEL LIKE THERE WAS LIKE A MINOR
6 LIKE EXCHANGE OF WORDS OR SOMETHING MAYBE LIKE A DOOR
7 CLOSE OR SOMETHING TO THAT EFFECT. HE...YOUR, THE
8 OFFICER WAS STANDING ON...AT THE DRIVE'S SIDE DOOR AHM
9 AND THEN HE DRAWS HIS GUN, HE STEPS BACK A FEW FEET AND
10 HE SAYS DON'T MOVE THE CAR, DON'T MOVE THE CAR. THE
11 DRIVER TURNED THE WHEELS TO THE LEFT, MOVED MAYBE A
12 FOOT AT THE MOST, OFFICER OPENED FIRE AND LET OUT EIGHT
13 TO TEN SHOTS IN A FAN LIKE 90 DEGREE TURNED LITERALLY
14 LIKE ERRATIC. THERE WAS LIKE 15 TO 20 KIDS IN THE PARK
15 ON EITHER SIDE. I WATCHED HIM AND LIKE I WAS SHOCKED.
16 I WAS ABOUT HALF A BLOCK AWAY. I WATCHED HIM START TO
17 TURN, SA...SAW HIM WITH THE GUN IN MY DIRECTION WITH
18 SHOTS BEING FIRED, DROPPED TO THE GROUND. SHOTS FIRED...
19 ■ YOU, YOU DROPPED TO THE GROUND?

20 ■ I DROPPED TO THE GROUND. SHOTS FIRED OVER MY HEAD AND
21 DOWN THE STREET SO HE WENT FROM FIRING FROM WEST TO
22 NORTH, STRAIGHT DOWN TERNERS DRIVE. SO BASICALLY, HE
23 WAS POINTING HIS GUN AT THE CAR BUT I MEAN HE WAS
24 ERRATIC. IF YOU LOOK, THE GLASS IS IN THE MIDDLE OF
25 THE STREET SO HE'S JUST SHOOTING INTO THE CAR. AHM

1 AND THEN THE CAR WAS PRETTY MUCH GONE BEHIND ME AND I'M
2 LAYING ON THE GROUND SO I CAN'T SEE WHAT'S BEHIN...BEHIND
3 ME. ALL I CAN SEE IS THE OFFICER AND HE'S WALKING DOWN
4 THE STREET WITH HIS GUN DRAWN. AHM CALLS INTO HIS
5 SHOULDER, SHOT'S FIRED, AND KIND OF GETS A LITTLE BIT
6 CLOSER TO ME AND I'M FULL OF ADRENALINE AT THIS POINT
7 AND LIKE I CAN'T BELIEVE THAT THAT ACTUALLY HAPPENED
8 AND GET UP AND WALK AROUND. AND HE GOES BARRELLING
9 DOWN THE STREET VERY QUICKLY. AFTER HE CALLED SHOTS
10 FIRED, LEAVES HIS CAR WITH THE DRIVER SIDE DOOR WIDE
11 OPEN, GUNS HANGING OUT IN THE CAR, KIDS EVERYWHERE,
12 PEOPLE ALL IN THE STREET AND WALKS AT LEAST A BLOCK
13 AWAY WITH HIS PATROL CAR UNATTENDED. AND I CAME IN AND
14 WAS THANKFUL TO SEE [REDACTED] AND [REDACTED]. I FELT
15 LIKE MY LIFE WAS IN DANGER. I DON'T FEEL THAT THE
16 OFFICER WAS IN DANGER AT ALL. WHEN I GOT IN THE HOUSE,
17 [REDACTED] HAD WITNESSED THE WHOLE THING FROM THE WINDOW
18 AND, AND SH...SHE WENT OUTSIDE. SHE WAS VERY UPSET AHM
19 APPROACHED THE, THAT OFFICER AND THERE WAS ONE OTHER
20 OFFICER THAT'S BEEN OUT THERE ALL NIGHT AND WE ASKED
21 FOR BADGE NUMBERS, WEREN'T GIVEN BADGE NUMBERS. THE
22 OFFICER SAID THAT HE, THE VICTIM TRIED TO HIT HIM WITH
23 THE CAR AND NOT RIGHT BUT...
24 [REDACTED] NOW DID YOU TALK TO THE ACTUAL OFFICER THAT WAS
25 INVOLVED?

1 ■ YEAH, THAT'S WHAT, I MEAN HE'S, THERE WAS A FEW
2 EXCHANGE OF WORDS BUT...

3 ■ DID THE...

4 ■ ...OTHER OFFICERS WERE ALSO PROTECTING HIM AND NOBODY
5 WANTED TO GIVE ANY INFORMATION OR ANY NUMBERS AND BUT
6 HE DID LITERALLY STATE THAT THE GUY, RIGHT IN FRONT OF
7 ME AND ■ AND A BUNCH OF OTHER PEOPLE, THAT THE
8 GUY TRIED TO HIT HIM WITH THE CAR, WHICH WOULD HAVE
9 BEEN IMPOSSIBLE BECAUSE HE WAS STANDING WITH FIVE TO
10 TEN FEET AWAY FROM THE DRIVER'S SIDE DOOR AS THIS GUY'S
11 PULLING OUT OF A PARALLEL PARKING SITUATION. AHM IT
12 WAS ERRATIC AND I CAN'T SAY I'VE EVER BEEN...FELT THAT
13 MUCH IN DANGER. AND IT WASN'T FROM AH I DON'T KNOW
14 WHAT YOU KNOW, AS FAR AS I HEARD OUT ON THE STREET THAT
15 THE GUY WHO GOT PULLED OVER HAD A SUSPENDED LICENSE BUT
16 REGARDLESS I, I DIDN'T SEE THE NEED FOR THE GUN. I
17 CAN'T BELIEVE THAT, I MEAN I WALK EVERY, EVERY TWO
18 HOURS I GO OUT THERE WITH ■ AND ■ AND ■
19 ■ AND WALK ON THAT HILL, AND THAT COP OPEN
20 FIRE WITH NO CONSIDERATION OF WHERE THOSE BULLETS WERE
21 GOING. SHOT, LITERALLY SHOT INTO THE PARK, SHOT
22 TOWARDS THE, THE APARTMENT BUILDING, THIS CORNER OF THE
23 APARTEMENT BUILDING AND THEN LIKE I SAID FANNED DOWN
24 'TIL HE WAS SHOOTING DOWN THE STREET AND THEN WAS SO
25 HOT-HEADED THAT HE JUST TOOK OFF DOWN THE STREET LIKE

1 HE WAS...I MEAN WHAT WAS HE GONNA DO, THE GUY WAS ALREADY
2 GONE. IT'S JUST AHM...

3 OKAY, WELL GOOD.

4 SO...

5 THANK YOU.

6 ...THAT'S ABOUT IT.

7 TAKE A DEEP BREATH.

8 AND IN THE DETAIL...YEAH...

9 ...TAKE A DEEP, YEAH 'CAUSE IT'S...

10 ...'CAUSE IT'S KIND A LIKE...

11 NO, I UNDERSTAND IT'S...

12 ...I WAS AH...

13 ...AN UPSETTING SITUATION.

14 ...I WENT FROM LISTENING TO JAZZ AND NAPPING BABIES TO
15 ALL THAT GOING DOWN AHM.

16 OKAY SO...

17 I MEAN IT'S UPSETTING.

18 OH ABSOLUTELY.

19 TO S...I CAN'T GET THE IMAGE OF THAT GUN BEING POINTED
20 RIGHT AT MY...

21 RIGHT TOWARDS YOU.

22 ...RIGHT TOWARDS ME AND WHILE SHOTS WERE BEING FIRED.

23 SO WHAT I'M GONNA DO, BECAUSE I, I TRY TO WRITE DOWN
24 EVERYTHING LIKE I SAID...

25 SURE.

1 ...I'LL WE RECORD EVERYTHING BUT SO I CAN KEEP UP I, I
2 TRY TO WRITE JUST CRYPTIC NOTES...

3 YEAH.

4 ...SO I'M GONNA GO BACK THROUGH 'EM IF THAT'S OKAY.

5 OKAY.

6 SC AH ABOUT BETWEEN SOME AH 5:45 AND SIX O'CLOCK YOU
7 WALKED TO THE STORE. WHAT'S THE NAME OF THE STORE?

8 I WENT TO ROSS AND THEN TO THE *DOLLAR TREE*.

9 OKAY YOU WERE WALKING BACK AND YOU WERE ON THE SAME
10 SIDE OF THE STREET...

11 YEAH.

12 ...AS WHAT THE...

13 I GUESS IT'S THE WEST SIDE.

14 ...I GUESS THE CAR'S RIGHT OUT HERE?

15 YEAH.

16 OKAY AND THE OFFICER HAD A CAR PULLED OVER.

17 YEAH.

18 AND LIKE YOU SAID, IT WAS IN A "L" SHAPE SO LIKE IF
19 THE...

20 THE WAY THE CAR IS OUT THERE NOW...

21 ...DEPUTY'S CAR, THE WAY HIS CAR IS RIGHT HERE AH...

22 IT'S ON, IT WAS LIKE THIS.

23 ...YEAH I THINK I HAVE, ACTUALLY, I THINK I HAVE A MAP
24 HERE SO LET ME TRY THIS.

25 THIS IS THE CURB, THIS IS THE CURB...

1 A LITTLE EARLIER YOU SAID IT WAS KIND OF PARALLEL
2 PARKED.

3 IT WAS PARALLEL PARKED ALL THE WAY TO THE CURB. I MEAN
4 HE HAD TO TURN, THERE'S A CAR IN FRONT OF HIM SO
5 LITERALLY THE SITUATION WAS LIKE THIS AND THE CAR IN
6 FRONT OF HIM, THERE WAS SOME ROOM. IT WASN'T RIGHT UP
7 TO HIS BUMPER BUT THIS IS HOW THE SITUATION WAS AND THE
8 OFFICER WAS RIGHT HERE THE WHOLE TIME.

9 OKAY.

10 AND HE SAID...

11 WHAT I WANT YOU TO DO IS...

12 ...DON'T MOVE THE CAR, DON'T MOVE THE CAR. THE GUY KIND
13 A WENT LIKE THIS, PULLED AND SHOTS FIRED. I, I DIDN'T
14 EVEN EVER SEE THE SECOND TIRE FROM BEHIND THE (UNCLEAR)
15 OF THE CAR IN FRONT OF IT. AND THEN ONCE HE FIRED,
16 THEN IT WAS LIKE URK, URK, TAKE OFF. BUT I MEAN THE
17 GUY WAS NOT SHOOTING TO DETAIN, HE WAS SHOOTING TO
18 KILL. IT WAS EIGHT TO TEN SHOTS WERE FIRED, IT WAS...
19 OKAY. SO IF THE DEPUTY'S CAR, JUST SO I'M SURE, IF THE
20 DEPUTY'S CAR IS FACING THE WAY IT STILL IS NOW.

21 YEAH.

22 IT'S STILL IN THE SAME POSITION.

23 YEAH, THEY NEVER MOVED IT.
24
25

1 OKAY WHERE WAS THE OTHER PERSON'S CAR THAT HE WAS
2 DEALING WITH? WHICH WAY WAS THAT FACING? WAS IT
3 FACING DOWN THE HILL OR IS IT FACING UP THE HILL OR?

4 THE SILVER CAR THAT WAS IN FRONT OF HIM?

5 NO, THE, THE GUY WHO HE WAS, THE MAN WHOSE CAR HE WAS
6 DEALING WITH.

7 OH, OKAY. IT, I MEAN, THIS IS JUST WHAT I HEARD...

8 OH I WANT A GET WHAT YOU SAW, WHERE...

9 WHAT I SAW...

10 ...WHERE HIS CAR...

11 ...WHEN I PULLED UP, THE SITUATION WAS LIKE THIS.

12 OKAY.

13 AND I, I WAS HALF A BLOCK AWAY SO...

14 AND THIS WAS, SO THIS IS...WOULD BE THE DEPUTY'S CAR AND
15 THAT WOULD BE THE OTHER PERSON'S CAR?

16 NO, THIS IS...

17 THE DEPUTY OKAY...

18 ...I MEAN THIS IS THE STREET. THIS IS THE CURB.

19 LET'S GET THE FAIR...

20 THIS IS THE VICTIM.

21 WAS THE CAR FACING THIS WAY?

22 THIS I WHAT I WOULD CALL OR THE CULPRIT.

23 IS HIS CAR FACING AWAY TOWARDS THE DEPUTY OR TOWARDS
24 THE DEPUTY?

25 NO, IT WAS FACING TO GO TO THE STOPLIGHT.

1 [REDACTED] OKAY.

2 [REDACTED] AND IT'S FACING TO GO UP NORTH.

3 [REDACTED] AND YOU SAID THERE WAS A SILVER CAR, WHERE IS THE
4 SILVER CAR?

5 [REDACTED] THE SILVER CAR IS STILL OUT THERE TOO, IT'S IN THIS
6 POLICE ZONE.

7 [REDACTED] OKAY.

8 [REDACTED] THAT SPACE IN THE MIDDLE IS WHERE THE, THIS CAR WAS.

9 [REDACTED] OKAY.

10 [REDACTED] SO HE WAS PULLED OVER. I MEAN I DON'T KNOW HOW THE COP
11 END...I DIDN'T SEE THE COP PULL UP AND THAT'S THE WHOLE
12 THING. WHEN I GOT THERE, THE COP CAR WAS BEHIND HIM.

13 [REDACTED] OKAY.

14 [REDACTED] THE COP WAS HERE AND VERY QUICKLY IT TURNED INTO THE
15 DON'T MOVE THE CAR, DON'T MOVE THE CAR.

16 [REDACTED] SO THE FIRST TIME YOU SAW THE DEPUTY HE WAS UP BY THE
17 DRIVER'S DOOR?

18 [REDACTED] YEAH, HE WAS BY THE DRIVER'S DOOR...

19 [REDACTED] OKAY.

20 [REDACTED] ...AND WITHIN A SP...SPLIT SECOND HE STEPPED BACK A FEW
21 FEET AND GUN DRAWN, DON'T MOVE THE CAR, DON'T MOVE THE
22 CAR, KEPT STEPPING BACK AND THEN AS SOON AS, LIKE THE
23 WHEELS TURN AND AS SOON AS THE CAR BUDGED AN INCH, THE
24 SHOTS WERE FIRED AH QUICK.

25 SC OKAY.

1 HOW FAR WAS THE DEPUTY IN FEET?

2 I'D SAY AT THE MOST LIKE FIVE TO TEN FEET. HE WAS IN...
3 FROM THE DRIVER'S...

4 ...YEAH.

5 ...DRIVER'S DOOR OF THE CAR HE WAS AT?

6 YEAH.

7 SO...

8 WHEN HE PULLED HIS GUN, HE BACKED UP. HE WAS...THAT'S
9 WHY I SAID IF HE'S SAYING...

10 OKAY SO...

11 ...THAT HE WAS TRYING TO HIT HIM, IT WAS NOT THE, IT WAS
12 NOT POSSIBLE.

13 ...'CAUSE YOU'RE SAYING THE DEPUTY WAS AT THE DRIVER'S
14 DOOR?

15 YEAH AND THEN FIVE TO TEN FEET OUT WHEN HE WAS CALLING
16 OUT NOT TO MOVE THE CAR.

17 OKAY. SO YOU HEARD THEM TALKING IN BETWEEN, AS YOU
18 WERE WALKING UP, YOU HEARD THE OFFICER SAY DON'T MOVE
19 THE CAR. THE DRIVER TURNED THE CAR AND YOU SAID IT WAS
20 TO THE LEFT?

21 HE JUST TURNED THE WHEELS. YOU JUST SAW THE WHEELS
22 TURN OUT.

23 BUT...

24 IT ALL SEEMED LIKE IN SLOW MOTION...

25 ...IN TOWARDS, TOWARD THE STREET?

1 ■ ...'CAUSE I KNEW THIS IS...

2 ■ SO TURNED OUT TOWARDS THE STREET?

3 ■ YEAH JUST BARELY. LIKE I SAID, HE HAD JUST...IT LOOKED
4 LIKE THIS, HE WENT THE, THE WHEELS TURNED AND HE KIND A
5 PULLED FORWARD. OFFICER WAS OVER HERE.

6 ■ OKAY.

7 ■ BUT IT...

8 ■ AND HE MOVED THE CAR. BY HOW FAR DO YOU THINK THE CAR
9 MOVED?

10 ■ I FELT LIKE THE CAR DIDN'T MOVE A FOOT BEFORE THE SHOTS
11 WERE FIRED.

12 ■ SO LESS THAN ONE FOOT?

13 ■ LESS, YEAH.

14 ■ DID YOU SEE WHERE THE DRIVER WAS IN THE CAR?

15 ■ NO, I COULDN'T AT THAT POINT.

16 ■ HAD YOU ALREADY GOT DOWN ON THE GROUND?

17 ■ I, HE STARTED FIRING BEFORE I GOT ON THE GROUND. HE
18 WAS TURNING, THE CAR WAS COMING OUT AND THAT WAS WHEN I
19 WAS LIKE MY INSTINCT FINALLY KICKED IN AND I HIT THE
20 GROUND...

21 ■ SO YOU...

22 ■ ALL AT THE SAME TIME.

23 ■ ...YOU SAID YOU WERE KIND OF, SO THIS IS THE FRONT OF THE
24 CAR THAT THE MAN WAS IN, YOU WERE UP HERE.

25 ■ I WAS...

1 ■ IS THAT CORRECT?

2 ■ ...YEAH, I...

3 ■ ABOUT A BLOCK UP HERE? OKAY.

4 ■ LIKE A HALF A BLOCK.

5 ■ OKAY.

6 ■ IF THAT.

7 ■ SO YOU COULD SEE THE FRONT OF THE CAR THAT THE DEPUTY
8 PULLED OVER, THE DEPUTY'S PATROL CAR OKAY?

9 ■ NO.

10 ■ OKAY SO HE'S STANDING OFF TO THE SIDE, THE CAR STARTS
11 MOVING. AND IS THE CAR MOVING AWAY AS THE DEPUTY IS
12 SHOOTING THE GUN OR IS IT SIT IN ONE PLACE, WAS THE
13 DEPUTY SHOOTING?

14 ■ I FEEL LIKE IT PRETTY MUCH KEPT MOVING. THERE WAS LIKE
15 A STUTTER, LIKE WHEN HE FIRST STARTED TO GO, THE
16 OFFICER STARTED SHOOTING RIGHT AWAY AND IT WAS LIKE A,
17 ALMOST LIKE A JERK AND THEN A TAKE OFF AND HE WAS GONE.
18 OFFICER FIRED 'TIL HE WAS GONE. I COULDN'T SEE HIM
19 ANYMORE. THEN I JUST HAD MY EYES ON THE OFFICER THE
20 REST OF THE TIME.

21 ■ OKAY.

22 ■ WHILE THE OFFICER WALKED A BLOCK OUT.

23 ■ SO THE DEPUTY'S IN THE STREET, THE CAR IS MOVING DOWN
24 THE STREET. IS THE OFFICER CONTINUING TO SHOOT AT THE
25 VEHICLE?

1 YES. OPEN LIKE A 90 DEGREE ANGLE FAN SO IF THIS WAS
2 THE DRIVER'S SIDE DOOR BEFORE HE GOT AWAY FROM THE
3 CURB, IT WAS POP-POP-POP, POP, POP, POP, POP, POP ALL
4 THE WAY DOWN TERNERS DRIVE, TOWARDS THE APARTMENTS,
5 INTO THE PARK, RIGHT OVER THE GRASS. I WAS RIGHT HERE
6 ON THE GRASS RIGHT BEFORE THE PARKING LOT OPENS AND...

7 AND DO YOU REMEMBER ABOUT WHEN YOU HIT THE GROUND? IS
8 IT WHEN...?

9 ABOUT HALF WAY THROUGH THE FIRST FEW SHOTS. YEAH AS HE
10 STARTED TO TURN AND (PAUSE) IN MY DOCUMENT, IT'S TWO TO
11 THREE SHOTS WERE FIRED I MEAN DIRECTLY OVER MY HEAD AND
12 THEN MORE SHOTS FIRED AS HE GOT, HE WAS WALKING DOWN
13 THE STREET. AND THEN HE CALLED SHOTS FIRED AND THEN HE
14 KEPT WALKING DOWN THE STREET.

15 SO YOU FELT THE SHOTS WENT OVER, HE WAS SHOOTING IN
16 YOUR DIRECTION?

17 I MEANN I DON'T KNOW WHERE THEY WERE GOING BUT YEAH IT
18 WAS, THEY WERE CONTINUOUS AS I KEPT SA...MY BEST EXAMPLE
19 IS YOU KNOW THOSE SPRINKLERS SYSTEMS?

20 RIGHT.

21 IT WAS JUST LIKE THAT AND LIKE THREE ROUND BURSTS. IT
22 WAS ERRATIC, THAT'S THE ONLY WORD I'VE USED TO DESCRIBE
23 IT. IT WASN'T, I MEAN LOOKING AT THE SITUATION FROM A
24 LOGICAL STANDPOINT, THERE'S SO MANY OTHER THINGS THAT
25 COULD HAVE BEEN DONE. YOU SHOOT A TIRE, HE COULD A

1 BEEN BLOCKED IN BETTER. EVEN AT THAT RATE, WITH ALL
2 THE KIDS THAT WERE IN THE PARK...

3 ABOUT HOW MANY KIDS WERE...

4 ...I MEAN I CAN'T...

5 ...HOW MANY KIDS DO YOU THINK WERE IN THE PARK?

6 ABOUT 20 KIDS. THERE WERE KIDS, THEY WERE EVERYWHERE.
7 RIGHT AFTER IT HAPPED, WHEN HE FINALLY STOPPED FIRING,
8 I CO..ALL OF THESE KIDS JUST RUN, RUN ACROSS THE STREETS
9 JUST TRYING TO GET HOME TO WHERE THEY LIVE. IT'S
10 SUNDAY AFTERNOON AND AH IT'S OUR HOTTEST TIME OF THE
11 DAY. THE SUN'S BEATING DOWN ON THE PARK, THERE WAS
12 PEOPLE EVERYWHERE.

13 OKAY. AHM SO AFTER THAT THE CAR TOOK OFF AND DROVE
14 DOWN THE STREET, THE OFFICER RAN DOWN THE STREET AFTER
15 HIM?

16 HE WASN'T, HE WASN'T RUNNING BUT HE WAS MOVING YEAH.

17 AND WAS HE STILL SHOOTING THE GUN AT THAT TIME?

18 HE HAD NO, HE HAD EVENTUALLY QUIT. I'D SAY YOU KNOW A
19 COUPLE OF SHOTS FIRED DOWN THE STREET, CAR GETS FAR,
20 FAR ENOUGH AWAY, HE CALLED SHOTS FIRED AND THEN HE KEPT
21 HIS GUN DRAWN AND CHARGED DOWN THE STREET. THAT PART
22 DIDN'T MAKE SENSE TO ME AT ALL. THAT'S WHEN, WHEN HE
23 GOT RIGHT I FELT LIKE PROBABLY CLOSER TO MY SIDE.
24 THAT'S WHEN I GOT UP AND JUST RAN INSIDE MY OWN HOUSE.

1 [REDACTED] NOW, YOU SAID YOU CONTACTED THE DEPUTY. DID YOU
2 CONTACT HIM AFTER YOU CAME INTO THE HOUSE OR BEFORE YOU
3 CAME INTO THE HOUSE?

4 [REDACTED] I CAME UP THROUGH THE BACK, TOLD [REDACTED] WOW THAT'S
5 WHAT HAPPENED REALLY QUICK. SHE WENT DOWN IMMEDIATELY
6 AND THE DEPUTY WHO GAVE ME HIS CARD AHM CAN'T REMEMBER
7 HIS NAME'S IN MY REPORT AS WELL, THEY WERE BOTH RIGHT
8 THERE AT THE END OF THIS SIDEWALK. AHM AND SHE HAD
9 ALREADY, SHE HAD GOTTEN DOWN THERE BEFORE I DID AHM
10 SHE WENT DOWN, SHE WAS UPSET, SHE SAID A FEW THINGS AND
11 AT THAT POINT I GOT DOWN THERE. I MENTIONED SOMETHING
12 TO THE DEPUTY LIKE YOU SHOT RIGHT AT ME AND HE LOOKED
13 AT ME, HE SHOT BULLETS AH I WAS HALF A BLOCK AWAY FROM
14 YOU. I SAID I WANT A BADGE NUMBER AND ALL THIS AND AT,
15 AT THAT POINT THE GUY I THINK HIS RESPONSE WAS
16 LITERALLY HE TRIED TO RUN ME OVER. AND I JUST...
17 [REDACTED] AND THAT DIDN'T MAKE SENSE TO YOU.

18 [REDACTED] ...IT COULDN'T BE, IT COULDN'T FUR...FUTHER FROM THE TRUTH.
19 NO, THERE WAS, HE WAS NEVER IN LIFE THREATENING
20 SITUATION. THERE WAS AS FAR AS I SAW IT, IT WAS AN
21 UNARMED MAN WHO GOT PULLED OVER FOR A ROUTINE TRAFFIC
22 STOP AND I FELT LIKE, I MEAN IT FELT LIKE THAT THE
23 OFFICER COULDN'T WAIT TO DO IT.

24 [REDACTED] IT FELT LIKE HE COULDN'T WAIT TO DO WHAT?
25

1 ■ TO, TO SHOOT. IT WAS LIKE IT, IT WAS WAY TOO AH THERE
2 WAS NO THINKING GOING ON. THERE WAS, IT WAS WAY TOO
3 IRRATIONAL. IT WAS WAY TOO QUICK. THERE WASN'T ANY
4 ATTEMPT TO USE ANY OTHER MEANS IN THE SITUATION AT ALL.
5 IT WAS JUST SHOOT, SHOOT, SHOOT AND AH. I MEAN AH
6 I'VE LIVED IN ■ I'VE LIVED IN ■ ■, I'VE
7 LIVED IN ■ EVEN FOR A FEW MONTHS UNFORTUNATELY,
8 AND I JUST I'VE NEVER QUITE SEEN, I'VE NEVER SEEN
9 ANYTHING LIKE THAT NOT RIGHT THERE IN THE STREET LIKE
10 IT, IT WASN'T RIGHT WHAT HAPPENED. AH THAT'S THE BEST
11 I CAN PUT IT. IT'S...

12 ■ SO WE'RE, WE'RE GONNA DO A LITTLE OKAY. HOW ABOUT WHAT
13 I WANT YOU TO DO IS JUST CLOSE YOUR EYES. OKAY? IT'S
14 GONNA SOUND A LITTLE WEIRD BUT I JUST WANT YOU TO PUT
15 YOURSELF IN A DIFFERENT PLACE. LIKE PUT YOURSELF
16 BEHIND WHERE THE DEPUTY'S STANDING. CAN YOU THINK YOU
17 CAN DO THAT?

18 ■ WELL YEAH, I, I MEAN. I CAN SEE, I FEEL I COULD SEE
19 WHAT HAPPENED. I CAN SEE HOW SOMEBODY IN THAT
20 SITUATION COULD END UP MAKING THAT DECISION. NOW...

21 ■ OKAY HAVE, ARE YOU TALKING ABOUT THE DEPUTY, HOW THEY
22 COULD MAKE THAT DECISION?

23 ■ SURE.

24 ■ OKAY.

25 ■ I MEAN PEOPLE MAKE...

1 ■ AND, AND HOW CAN YOU SEE THAT?

2 ■ ...DECISIONS IN SPLIT SECONDS AND A SITUATION WHERE YOU
3 MIGHT FEEL THREATENED YOU KNOW. WHO KNOWS? I MEAN OR
4 EVEN COMING IN, LET'S PUT IT THIS WAY, COMING INTO THIS
5 NEIGHBORHOOD YOU'RE GONNA GET, ESPECIALLY IF YOU'RE NEW
6 TO THE NEIGHBORHOOD, YOU'RE GONNA GET ALL THE STORIES
7 AND THE, THE FUNNY LITTLE REPUTATION THAT PEOPLE THINK
8 MARIN CITY'S SO BAD AND TOUGH. AND I MEAN I COULD,
9 REGARDLESS OF WHAT THE EXCUSE IS, IT'S JUST, ON THE
10 BACK OF YOUR CARDS MAYBE IT'S NOT THIS ONE BUT ON THE
11 BACK OF THE CARD I WAS GIVEN HAS A VERY BOLD STATEMENT
12 OF A PUBLIC SAFETY...SORRY...

13 ■ NO IT'S OKAY.

14 ■ ...IT'S OUT OF HABIT AHM AND TO LIVE HERE AND TO KNOW I
15 MEAN JUST IF IT WOULD HAVE, IF IT COULD HAVE, IF
16 ANYTHING WAS ANY DIFFERENT. IF THERE WAS KIDS ON THAT
17 HILL, IT...

18 ■ IT COULD HAVE BEEN A TRAGEDY IS WHAT YOU'RE SAYING.

19 ■ ...IT COULD HAVE BEEN A TRAGEDY TODAY. I MEAN I COULD
20 HAVE NOT COME HOME TO MY KIDS.

21 ■ AND YOU SAID YOU HAD...

22 ■ AS I LAID ON THE GROUND, I WAS STILL THINKING LIKE I
23 COULD GET HIT LIKE IF I HAD ENOUGH TIME TO TURN MY HEAD
24 THE OTHER WAY AND NOT EVEN WANT A SEE LIKE AS, AND IT
25 JUST SEEMED LIKE, I MEAN WHAT, WHAT MORE CAN I SAY. IT

1 WAS JUST WAY OVERBOARD FOR THE SITUATION AND I FEEL
2 LIKE MORE PEOPLE WERE PUT IN DANGER THAN ANYTHING. AH
3 AND I IMAGINE WHEN YOU COMPARE THAT TO WHAT THE PULL
4 OVER WAS FOR AND THE FACT THAT OR WHATEVER THE FACTS
5 MAY BE COMING OUT OF THAT YOU KNOW. AND YOU HAVE TO
6 SEE WHAT KIND OF DE...OFFICER YOU HAVE THEIR HANDS AND
7 WHAT KIND OF DECISION HE MADE AND IF IT WAS RIGHT OR
8 WRONG. THAT'S I MEAN...

9 [REDACTED] LET, LET, LET ME JUST GO BACK OVER A COUPLE OF THINGS,
10 OKAY. YOU SAY IT WAS IMPOSSIBLE FOR THE GUY THAT WAS
11 TRYING, THE, THE GUY WITH, THE OTHER DRIVER, THE DRIVER
12 IN THE CAR WAS TRYING TO HIT HIM AND THAT IS BECAUSE
13 WHY?

14 [REDACTED] HE WOULD HAVE HAD, I DON'T IMAGINE THIS, LIKE I SAID
15 IMAGINE THIS.

16 [REDACTED] RIGHT.

17 [REDACTED] THE CAR, THE OFFICER STANDING FIVE TO TEN FEET AWAY AND
18 THE WAY THIS GUY HAS TO MOVE. HE HAS TO GET PAST THIS
19 CAR AND EVEN TRYING TO PULL OUT, IT, HE, THE OFFICER IS
20 JUST ON THE SIDE OF THE CAR.

21 [REDACTED] ARE YOU SAYING THE OFFICER IS...

22 [REDACTED] YEAH.

23 [REDACTED] ...LIKE...

24 [REDACTED] THE OFFICER GOES LIKE THIS, THE WHOLE TIME HE'S MOVING
25 AWAY FROM THE CAR AND THIS GUY'S NOT TRYING TO HIT HIM,

1 HE'S TRYING TO GO DOWN THE STREET. THE OFFICER'S
2 MOVING BACK AND THE CAR'S MOVING FORWARD AND THERE WAS
3 I MEAN...

4 [REDACTED] OKAY.

5 [REDACTED] ...I FEEL LIKE THE CAR WOULD A HAD TO JUMP OR IT JUST, IT
6 WASN'T LIKE THAT. THAT WASN'T THE...I'LL TELL YOU WHAT I
7 SAW AND I DIDN'T SEE AN OFFICER ALMOST GETTING HIT BY A
8 CAR. I...

9 [REDACTED] DID THE CAR GO FORWARD THE WHOLE TIME YOU SAW?

10 [REDACTED] LIKE I SAID IT KIND OF LIKE HE, HE STARTED, HE TURNED,
11 I SAW THE WHEELS TURN AND I WAS LIKE OH NO, HE'S GONNA
12 MOVE AND THE COP HAS THE GAR...THE HIS GUN DRAWN AND THE
13 WHEELS TURN AND THEN LIKE I SAID, THE, THE CAR WENT
14 FORWARD LIKE A FOOT AND SHOTS WERE FIRED. AND I FEEL
15 LIKE THEN THERE WAS LIKE A, A STUTTER AND A DRIVE AWAY.
16 THAT'S THE BEST...

17 [REDACTED] DID...

18 [REDACTED] ...I COULD DESCRIBE IT LIKE AH ALMOST LIKE MAYBE A...

19 [REDACTED] ...DID YOU SEE THE CAR...

20 [REDACTED] ...BRAKE PUMP AND THEN A GO.

21 [REDACTED] IN ANSWERING HIS QUESTION, DID YOU SEE THE CAR GO
22 BACKWARDS TOWARDS WHERE THE OFFICER WAS?

23 [REDACTED] ABSOLUTELY NOT, IT WENT FORWARD THE WHOLE TIME. HE WAS
24 SHOOTING OUT THE WINDOW, IT WAS, IT, THE GLASS IS STILL
25 IN THE MIDDLE OF THE STREET FROM WHERE HE WAS SHOOTING

1 ALL AT OUT THE BACK WINDOW AS HE PULLED AWAY. THERE'S
2 GLASS ALL THE WAY TO THE OTHER SIDE OF THE STREET.

3 WAS THERE ANYTHING INBETWEEN YOUR VIEW OF THE CAR THAT
4 DROVE AWAY?

5 NO.

6 (UNCLEAR.)

7 JUST THIS, JUST LIKE I SAID. I COULDN'T, IT, I DIDN'T,
8 BY THE TIME THE SHOTS WERE FIRED AH FROM MY POINT OF
9 VIEW, I COULDN'T SEE THIS TIRE PULLED OUT FROM BEHIND
10 THIS CAR YET. LIKE HE FIRED BEFORE...

11 SO THE PASSENGER SIDE TIRE, YOU COULDN'T SEE?

12 YEAH.

13 OKAY.

14 OKAY AND YOU SAID YOU HAD [REDACTED] WITH YOU AND HAD YOU?

15 NO, [REDACTED] WAS UP HERE IN THE CORNER WINDOW WITH [REDACTED]

16 [REDACTED].

17 OH YOU WERE BY YOURSELF?

18 I WAS BY MYSELF.

19 OH OKAY.

20 I WAS WALKING HOME WITH SOME GROCERIES.

21 LET ME JUST CATCH UP WITH MY NOTES HERE.

22 THAT'S FINE.

23 I APPRECIATE YOUR COOPERATION WITH US. ANTHING ELSE
24 YOU GUYS CAN THINK OF OFF THE TOP OF YOUR HEADS.

25 CAN I ASK A COUPLE?

1 SURE.

2 CAN YOU TELL ME HOW FAR AWAY, YOU, YOU SAID A HALF A
3 BLOCK. CAN YOU GIVE ME AN ESTIMATE IN FEET HOW FAR
4 AWAY YOU THINK YOU WERE?

5 I KEEP THINKING IN MY HEAD 50 FEET BUT IT'S PROBABLY A
6 LITTLE BIT MORE. A HALF A BLOCK ABOUT A HALF...

7 ACTUALLY WHEN WE'RE DONE, CAN YOU TAKE US OUT...

8 YEAH, THAT...

9 ...THERE AND SHOW US WHERE YOU WERE, WE'LL MARK IT OFF.

10 I WANT A DO THAT.

11 SURE.

12 SO YOU THINK ABOUT 50 FEET AWAY?

13 YEAH AHM THAT'S NOT MY STRONG SUIT. I MEAN I COULD
14 GUESTIMATE...

15 BUT YOU THINK YOU POINT OUT WHERE YOU...

16 I CAN TELL YOU EXACTLY WHERE I WAS.

17 OKAY.

18 I'D NEVER FORGET. I MEAN...

19 AND THEN AH SO YOU, YOU SAID THE CAR PULLED OUT AND IT
20 STUTTERED OR LIKE YOU, LIKE...

21 IT JUST, IT WAS LIKE A BRAKE BUMP LIKE.

22 DID YOU HEAR ANY NOISES?

23 AS HE SHOT, I FEEL LIKE THERE WAS A MOMENT PROBABLY OF
24 SHOCK OR SOMETHING AND NO, I MEAN IT, ALL I COULD HEAR
25 WAS THE GUNSHOTS AND IT WAS JUST POP-POP-POP, POP, POP,

1 POP, POP. I MEAN THE CAR DIDN'T PEEL OUT, IT JUST MADE
2 ITS WAY OUT.

3 AHM AND HOW FAST DID THE CAR...

4 NOT FAST ENOUGH FOR WHAT I SAW I MEAN...

5 WHAT DO YOU MEAN BY THAT?

6 IT JUST, IT FELT LIKE, I DON'T KNOW. IT JUST, IT WAS
7 KIND A UNREAL. LIKE IT SAID, IT DIDN'T PEEL OUT. HE
8 JUST WENT. IS, I DON'T KNOW I CAN'T I, I WAS SO CLOSE
9 THAT BY THE TIME, IT'S HARD TO ESTIMATE HOW FAST HE WAS
10 GOING BY THE TIME HE GOT PAST ME YOU KNOW AND GOING
11 TOWARDS (UNCLEAR.)

12 BUT WHEN HE WAS GOING TOWARDS YOU HOW FAST...

13 BUT...

14 ...DO YOU THINK HE WAS GOING?

15 ...HE DIDN'T PEEL OUT. I DON'T KNOW HE WAS MAYBE GOING
16 20 MILES AN HOUR, 20/30. THAT'S...

17 DID YOU GET A LOOK AH INSIDE THE CAR, DID YOU SEE THE
18 MAN (UNCLEAR?)

19 NO, I DIDN'T.

20 OKAY.

21 AT ALL. I MEAN I DIDN'T SEE INTO, I FEEL LIKE MAYBE HE
22 WAS DUCKING AT THE POINT WHEN HE DROVE BY...

23 BUT YOU REMEMBER...

24 ...I FEEL LIKE I COULD SEE RIGHT THROUGH THE WINDOW.

25 ...BUT YOU REMEMBER WHAT HE LOOKED LIKE?

1 NO.

2 AND YOU MENTIONED, YOU SAID AH THAT HE WAS UNARMED.

3 I SAID I FELT LIKE THAT WAS WHAT I WAS WITNESSING
4 BECAUSE I DIDN'T SEE ANY. I'M NOT SAYING, I'M NOT
5 GONNA SAY THAT BECAUSE I DON'T, I DON'T HAVE...

6 YOU DIDN'T SEE ANY...

7 ...I WASN'T IN THE CAR...

8 OH OKAY...

9 ...I WASN'T AT THE DRIVER'S SIDE DOOR.

10 OH OKAY YOU JUST SAID...

11 OKAY IT WAS JUST A FEELING YOU HAD.

12 AND I WAS AN HONEST FEELING SO

13 OKAY.

14 ...I WA...I WAS USING IT METAPHOR...ME...OH NOT METAPHORICALLY
15 BUT IT, TO THE ONLOOKER, IT WAS AN UNARMED MAN IN A
16 ROUTINE TRAFFIC STOP WHO WAS GONNA MAKE A RUN FOR IT
17 AND THAT'S HOW IT WENT.

18 THAT'S...

19 I MEAN THE...

20 ...THAT'S WHY WE CLARIFY STUFF. (UNCLEAR.)

21 SURE. ABSOLUTELY. NO, THAT'S WHY I WROTE EVERYTHING
22 'CAUSE IT'S...

23 IT'S HARD NOT TO PUT INFERENCES AND TO PUT WHAT YOU
24 THINK IN YOUR MIND...

25 YEAH, ESPECIALLY WHEN...

1 ■ AND THAT THAT'S WHY I BRING PEOPLE...

2 ■ ...I TEND TO USE A LOT OF WORDS.

3 ■ ...'CAUSE AS I'M WRITING, I MAY MISS SOMETHING TOO SO.

4 ■ YEAH.

5 ■ AHM...

6 ■ AND MY, MY THING'S VERY CONCISE AND FACTUAL AND THERE'S
7 NOT...

8 ■ OKAY.

9 ■ ..MUCH OPINION AT ALL, IT'S...

10 ■ ARE YOU, YOU PRETTY MUCH DONE WITH YOUR WRITTEN
11 STATEMENT?

12 ■ AH YEAH, I THINK SO AND THEN I'LL SEND, I'LL EMAIL THAT
13 TO YOU.

14 ■ OKAY COULD YOU SEND THAT TO ME?

15 ■ YEAH.

16 ■ OKAY, THAT'D BE GREAT. AH ANYTHING ELSE?

17 ■ ONE MORE QUESTION.

18 ■ YEAH, SURE.

19 ■ SO TH...THIS IS THE DEPUTY'S CAR RIGHT HERE, IS IT
20 BLOCKING THE TRAF...IS IT BLOCKING THE STREET?

21 ■ IT'S SEE, IT'S AS FAR OUT. IF YOU LOOK AT IT IF IT'S
22 STILL OUT THERE NOW, IT'S AS FAR OUT AS IT WAS. YOU
23 COULDN'T COME IN FROM THE OTHER SIDE REALLY 'CAUSE IT,
24 THE STREET'S NOT WIDE ENOUGH SO I'D SAY MAYBE IT WAS
25 TAKING UP 2/3RD OF THE WIDTH OF THE STREET.

1 [REDACTED] OKAY SO IT, SO THE BACK OF IT, SO IT WAS, IT WAS
2 BLOCKING THE STREET?

3 [REDACTED] YEAH, HE'S IN THE MIDDLE OF THE STREET. THIS IS THE
4 ROAD AND HIS CAR IS RIGHT BEHIND HERE...

5 [REDACTED] AND HOW CLOSE WAS...

6 [REDACTED] ..AND BUTT STICKING OUT.

7 [REDACTED] ...THE FRONT OF HIS CAR TO THE REAR OF THE (UNCLEAR) CAR?

8 [REDACTED] AH PROBABLY ABOUT THAT MUCH.

9 [REDACTED] ABOUT THREE FEET YOU THINK...

10 [REDACTED] YEAH, SOMETHING LIKE THAT.

11 [REDACTED] ...TWO AND A HALF, THREE FEET.

12 [REDACTED] AND WHERE AH THE DEPUTY'S LIGHTS ON ON THE VEHICLE?

13 [REDACTED] NO, NO LIGHTS ON.

14 [REDACTED] YOU DIDN'T SEE THE FRONT OR REAR LIGHT?

15 [REDACTED] I DON'T BELIEVE THE LIGHTS WERE ON.

16 [REDACTED] COULD YOU SEE THE REAR LIGHTS?

17 [REDACTED] NO. I DON'T BELIEVE THE LIGHTS WERE ON AT ALL. THEY
18 EVEN, I MEAN, I HAVEN'T EVEN, HE WASN'T EVEN BACK TO
19 HIS CAR BY THE TIME A LOT OF THE OTHER OFFICERS SHOWED
20 UP. I DIDN'T EVEN NEVER SEE HIM GO BACK TO HIS CAR AND
21 NOBODY EVER TOUCHED IT TO TURN OFF LIGHTS.

22 [REDACTED] AND WHEN YOU FIRST, WHAT DREW YOUR ATTENTION TO THIS
23 INCIDENT? WHAT, WHAT WAS IT THAT YOU SAW THAT...

24 [REDACTED] THE BIG WHITE CAR AND IN THE MIDDLE OF THE STREET,
25 FIRST OF ALL AND, THE COP CAR, AND THEN THE COP WAS

1 ALREADY KIND OF RILED UP SO HE WAS, THAT WAS THAT
2 MOMENT WHERE I SAID IT WAS LIKE ALMOST LIKE A SPLIT
3 SECOND. HE WAS RIGHT UP NEXT TO THE DRIVER'S DOOR. I
4 FEEL LIKE I CAN'T STATE THIS AS A PERFECT MEMORY. I
5 FEEL LIKE MAYBE LIKE THE GUY EITHER ROLLED UP HIS
6 WINDOW OR LIKE CLOSED THE DOOR AND THE GUY, THE COP
7 DREW HIS GUN, DON'T MOVE THE CAR, DON'T MOVE THE CAR,
8 HE STARTED MOVING BACKWARDS, AS SOON AS THE WHEELS
9 TURNED AND MOVED A FOOT, POP THE SHOTS WERE FIRED AND
10 THEN WHEN SHOTS CONTINUED TO BE FIRED AS THE CAR DROVE
11 DOWN THE STREET.

12 [REDACTED] SO YOU FELT LIKE THERE MUST HAVE BEEN SOMETHING THE
13 DRIVER DID TO MAKE THE DEPUTY (UNCLEAR) UP OR THE
14 DEPUTY WAS ALREADY KIND OF (UNCLEAR?)

15 [REDACTED] NO, HE, IT WAS LIKE HE KNEW THE GUY WAS GONNA LEAVE,
16 THE GUY LIKE WASN'T COOPERATING, HE WAS GONNA GO. HE
17 WASN'T EVEN OUT OF HIS CAR OR ANYTHING. HE WAS LIKE...
18 [REDACTED] YOU SAID RILED UP EARLIER YEAH.

19 [REDACTED] ...SO I (UNCLEAR)

20 [REDACTED] OKAY. THERE WAS...

21 [REDACTED] TELL ME WHAT YOU, TELL ME...

22 [REDACTED] ...THERE WAS A MOMENT WHERE I FEEL LIKE THEY WERE TALKING
23 AND THEN HE STOPS TALKING TO HIM AND...

24 [REDACTED] THE DRIVER STOPED TALKING TO THE DEPUTY?
25

1 ■ YEAH, LIKE THE DRIVER STOPPED TALKING TO THE DEPUTY AND
2 I, WHEN I WAS WRITING I THOUGHT FOR A MINUTE LIKE DID
3 THE DOOR CLOSE, DID I SEE A DOOR CLOSE AND I DON'T HAVE
4 THAT MEMORY SO I DIDN'T WRITE IT INTO THE STORY. IT
5 WAS JUST...

6 ■ RIGHT.

7 ■ ...COP AT THE DOOR THEN VERY QUICKLY HE KNEW THAT THE GUY
8 WAS GONNA LEAVE AND THE GUY WAS SOMEWHAT HESITANT ABOUT
9 LEAVING. IT TOOK HIM A MINUTE AND...

10 ■ MM.

11 ■ ...YOU KNOW LIKE THE GUN WAS DRAWN AND HE GAVE HIM TWO
12 WARNINGS, DON'T MOVE THE CAR, DON'T MOVE THE CAR AND
13 THEN THE CAR MOVED.

14 ■ DID YOU HEAR HIM SAY ANYTHING ELSE ABOUT IT, MAYBE
15 ABOUT NOT MOVING BO...ANY BODY PARTS OR ANYTHING LIKE
16 THAT?

17 ■ NO.

18 ■ DID, SO YOU ACTUALLY HEARD, DON'T MOVE THE CAR, DON'T
19 MOVE THE CAR?

20 ■ YEAH. DON'T MOVE THE CAR, DON'T MOVE THE CAR...

21 ■ AND THAT'S, IS THAT ALL YOU...

22 ■ ...THE WHEELS TURN, THE CAR BUDGED, THE SHOTS FIRED.

23 ■ IS THAT ALL YOU HEARD OR DID YOU HEAR ANY, ANY
24 DISCUSSION BEFORE THAT? DID YOU HEAR ANY WORDS BEFORE
25 THAT?

1 NO, LIKE I SAID, THERE MIGHT HAVE BEEN AN EXCHANGE OF
2 WORDS RIGHT BEFORE THAT HAPPENED BECAUSE THEY WERE, HE
3 HAD HIM PULLED OVER YOU KNOW. I MEAN BUT HE WASN'T OUT
4 OF HIS CAR AND THERE WEREN'T YELLING AS I CAME UP. THE
5 COP WAS AT THE DOOR.

6 IT SEEMED LIKE A...

7 OKAY...

8 ...MORE NORMAL CONVERSATION...

9 ...SO THIS, THIS IS JUST SOMETHING THAT I KEEP COMING
10 BACK TO AND I WANT A MAKE SURE. YOU KEEP SAYING THE
11 DOOR. SO YOU'RE SAYING THAT THE DEPUTY WAS ALL THE WAY
12 FO...HE, HE WASN'T, WAS HE NEAR HIS CAR...

13 NO...

14 ...DOOR...

15 ...HE WAS AT THE DRIVER'S SIDE...

16 ...OR HE WAS AT THE DRIVER'S DOOR?

17 AT THE DRIVER'S DOOR.

18 BUT DID YOU SEE THE DRIVER AT ALL?

19 NO.

20 YOU NEVER SAW HIM?

21 NO. SO THE DEPUTY WAS THE LOUD LIKE FOCUS FACTOR SO...

22 SO IT KIND A DRAWS...

23 AND YOU'RE SAYING...

1 ■ YEAH, IT DID. WHEN HE PULLED THE GUN, I MEAN AND THE
2 GUN WAS PULLED VERY QUICKLY HE HAD AFTER I NOTICED HIM.
3 AHM WHEN HE PULLED THE GUN, IT WAS...

4 ■ OKAY AND WHEN HE WAS AT THE DRIVER'S DOOR, HOW FAR AWAY
5 FROM THE DRIVER AND YOU SAID FIVE TO SIX FEET?

6 ■ I FEEL LIKE HE WAS UP AT THE DRIVER'S DOOR AND THEN...
7 FIVE TO SIX FEET...

8 ■ YEAH.

9 ■ ...AWAY IN THE STREET OR BEHIND?

10 ■ NO, LIKE DIRECTLY ACROSS. HE WAS, HE STAYED
11 PERPENDICULAR WITH THIS, WITH THE DRIVER.

12 ■ AND THAT'S WHY YOU SAID IT'S IMPOSSIBLE FOR THE CAR,
13 YOU FELT IT'S IMPOSSIBLE...

14 ■ YEAH...

15 ■ ...FOR THE CAR TO HIT HIM?

16 ■ ...BECAUSE HE WAS LIKE PHYSICALLY THE CAR DOESN'T MOVE
17 THAT WAY SO HE WOULD HAVE TO MAKE A U-TURN.

18 ■ I, I JUST WANT A CLARIFY ONE THING...

19 ■ SURE.

20 ■ ...BECAUSE I, I DON'T THINK I REALLY GOT THE ANSWER. SO
21 WHEN YOU, THE FIRST THING YOU SAW WAS THE DEPUTY
22 GETTING OUT OF THE CA...DID YOU SEE THE DEPUTY GETTING
23 OUT OF THE CAR OR WAS HE ALREADY OUT OF THE CAR?

24 ■ HE WAS ALREADY OUT. HE WAS AT THE CAR...

25 ■ OKAY SO HE WAS OUT AND WHERE, WHERE WAS HE STANDING?

1 ■ RIGHT THERE AT THE DRIVER'S DOOR.

2 ■ AND...

3 ■ SO HIS CAR WAS HERE, HIS DOOR WAS WIDE OPEN, HE WAS AT
4 THE DRIVER'S SIDE DOOR AND THEN IT WAS AT LIKE I SAID,
5 THAT MOMENT OF WHENEVER...

6 ■ WHATEVER...

7 ■ ...HE REALIZED THAT IT WAS GONNA, THAT HE WAS GONNA GO
8 AND HE WASN'T GONNA STAY, HE PULLED HIS GUN AND SAID
9 DON'T MOVE THE CAR, DON'T MOVE THE CAR. AND...

10 ■ SO, SO YOU SAW HIM PULL HIS GUN?

11 ■ YEAH.

12 ■ AND SO HOW LONG, FROM THE TIME HE PULLED HIS GUN TO
13 'TIL THE TIME HE FIRED? LIKE GIVE ME A EST...

14 ■ LONG ENOUGH TO SAY DON'T MOVE THE CAR, DON'T MOVE THE
15 CAR, THE CAR TO MOVE...

16 ■ AND THE CAR MOVES...

17 ■ ...TWELVE INCHES...

18 ■ SO ARE WE TALKING SECONDS?

19 ■ SECONDS. SECONDS.

20 ■ AND, AND THEN SO IF YOU'RE 50 FEET AWAY, CAN YOU TELL
21 EXACTLY WHERE HE'S STANDING IN FRONT...AT, AT THE CAR? I
22 MEAN CAN YOU...

23 ■ I COULDN'T SAY, I MEAN I FEEL LIKE HE WAS STANDING
24 WHERE YOUR OFFICER WOULD NORMALLY STAND, KIND OF
25 TOWARDS THE BACK END OF THE DRIVER'S SIDE DOOR NEAR THE

1 HANDLE. LIKE HE WAS LIKE THAT AND THEN IT TURNED INTO
2 AND DON'T MOVE THE CAR, DON'T MOVE THE CAR.

3 SO YOU'RE FIRST SIGHT HE WAS AT THE DOOR OR FIVE OR SIX
4 FEET AWAY FROM THE CAR AND IT BACKED UP?

5 NO HE MOVED, HE BACKED UP. HE WAS AT CLOSER TO THE CAR
6 IN THE BEGINNING AND THAT I FELT LIKE YOU KNOW HE WAS
7 MAYBE ASKING FOR THE LICENSE OR SOMETHING TO THAT
8 EFFECT AND THEN THE KID'S LIKE OBVIOUSLY MADE A MOVE
9 LIKE HE WAS GONNA LEAVE AND IT LITERALLY WAS, THERE
10 WASN'T ANY SCUFFLE OR ANYTHING LIKE THAT. IT WAS GRAB
11 THE GUN, HE WAITED FOR THE CAR TO MOVE AND LET OFF THE
12 SHOTS.

13 AND FROM THE TIME YOU FIRST SAW HIM, THE DEPUTY'S
14 ALREADY OUT THE CAR. HOW LONG FROM THE TIME THAT YOU
15 FIRST SAW HIM 'TIL HE PULLED THE GUN AND STARTED
16 SHOOTING?

17 I MEAN THIS ALL WENT DOWN I FEEL LIKE IN UNDER A MINUTE
18 SO LESS THAN 60 SECONDS IF THAT CAN BE. IT FELT LIKE
19 IT WAS IN SLOW MOTION BUT...

20 OKAY.

21 ...IT WAS, IT WAS VERY QUICK, IT WAS VERY ERRATIC. LIKE
22 I SAID THERE WASN'T MUCH AHM THERE WASN'T MUCH TO IT.
23 IT WAS PRETTY BLACK AND WHITE AND.

24 SO, SO IF YOU'RE WALKING, I, I'M NOT CLEAR WHERE YOU
25 WERE.

1 [REDACTED] THAT'S OKAY.

2 [REDACTED] WHEN YOU STARTED, WHEN YOU START WALKING, YOU'RE
3 WALKING FROM, FROM THE SHOPPING CENTER, RIGHT?

4 [REDACTED] YEAH.

5 [REDACTED] AND ARE YOU CLOSING THE GAP AS YO...AS THIS IS ALL GOING
6 ON OR DID YOU STOP AND YOU'RE, YOU VIEWED THIS FROM ONE
7 POSITION...

8 [REDACTED] I'M WALKING AT FIRST AND I YOU KNOW I WHATEVER. IT'S
9 NOT THAT BIG OF A DEAL AND I JUST FIGURED SOME
10 KNUCKLEHEAD GETTING IN TROUBLE AND SO I KEEP WALKING AS
11 I SEE THE COP. AND THEN THERE'S THAT MOMENT WHERE I'M
12 WALKING DOWN THE SIDEWALK AND THE GRASS IS TO THE LEFT
13 OF ME AND THEN HERE'S SOMEBODY'S BALCONY YOU KNOW AND,
14 AND HE PULLS HIS GUN. I'M KIND A LIKE AT THAT MOMENT
15 WHERE I'M PROBABLY STARTING TO SIGNIFICANTLY SLOW DOWN
16 MAYBE EVEN COME TO A STOP. AND HE SAYS DON'T MOVE THE
17 CAR, DON'T MOVE THE CAR. I WATCHED THE GUY TURN THE
18 WHEELS ON THE CAR, I WATCHED THE CAR MOVE FORWARD, I
19 WATCH HIM START SHOOTING AND THEN I, IT HITS ME LIKE OH
20 IT'S GONNA COME MY WAY AND I DROP DOWN TO THE GROUND.
21 A FEW SHOTS OVER MY HEAD, A FEW SHOTS DOWN THE STREET,
22 TURN MY HEAD DURING THE COUPLE OF SHOTS DOWN THE STREET
23 AND THEN AH FROM LIKE ON THE GROUND LIKE A WAR ZONE AND
24 TURNED BACK AROUND AND THE COP IS THEN AT THAT POINT
25 WHERE HE'S GETTING A LOT CLOSER TO ME AND CALLS IN

1 SHOTS FIRED AND THEN KEEPS WALKING WITH HIS GUN DRAWN
2 DOWN THE STREET.

3 OKAY SO YOU FIRST SEE HIM, HOW FAR AWAY FRO...YOU SAY
4 WHEN HE STARTED SHOOTING YOU'RE 50 FEET AWAY. HOW FAR
5 AWAY WERE YOU WHEN YOU FIRST SAW HIM?

6 I WOULD A SAW HIM AH OKAY THERE'S BASICALLY IF YOU KNOW
7 THIS WITH THE WAY THIS STREET IS SET UP...

8 WELL, WE'LL GO OUTSIDE AND WE'LL MAKE SURE.

9 ...THERE'S TWO DRIVEWAYS.

10 MM MM. I JUST WANT A ASK YOU...

11 THERE'S A DRIVEWAY, THE FIRST ONE AND THEN THAT AND
12 THEN THERE'S THE SECOND ONE. I WAS RIGHT IN BETWEEN.
13 I WAS MAYBE...

14 BETWEEN THE FIRST AND SECOND DRIVEWAY?

15 ...A QUARTER OF THE WAY BL...DOWN THE BLOCK AND THE WHOLE
16 INCIDENT TOOK PLACE BETWEEN A QUARTER AND MIDWAY DOWN
17 THIS, I'M CONFUSED HERE, THIS BLOCK HERE.

18 YEAH.

19 BEFORE MY DRIVEWAY TO THE, TO THE PARKING LOT BEHIND
20 US.

21 OKAY.

22 SO I WAS ON THE NEXT SECTION DOWN FROM WHERE HE WAS
23 ALMOST.

24 DON'T TAKE THIS QUESTION THE WRONG WAY...

25 THAT'S OKAY.

1 ...I'M JUST TRYING TO GET THIS FOR THE RECORD. YOUR
2 VISION'S CORRECTED WITH THE GLASSES?

3 YEAH, I'M WITH, I'M LIKE I CAN'T READ A STOP SIGN,
4 THAT'S TOO FAR AWAY BUT THAT'S ABOUT IT.

5 SO YOU'RE NEAR-SIGHTED?

6 I GUESS SO.

7 OKAY.

8 (UNCLEAR.)

9 DO YOU KNOW WHAT YOUR PRESCRIPTION'S FOR?

10 IT'S VERY MINOR. THESE ARE LIKE PAPER THIN. UH HUH.

11 OKAY AND WHO'S YOUR EYE DOCTOR?

12 AHM I'M NOT SURE WHAT THE DOCTOR'S NAME IS. GO TO
13 *SIGHT FOR SORE EYES* IN SAN FRANCISCO.

14 OKAY, OH WHAT LOCATION?

15 AHM...

16 WHAT STREET?

17 IT'S THE ONE DOWN BY THE MALL ON MARKET BY THE
18 WESTFIELD CENTER.

19 I KNOW WHERE IT'S AT.

20 OKAY AND ANYTHING ELSE YOU, YOU CAN ADD TO IT, WHAT YOU
21 SAW WHILE GOING THROUGH IT? YOU'VE PROBABLY BEEN
22 THROUGH IT A THOUSAND TIME IN YOUR MIND.

23 YEAH CAN I HAVE...

24 I'M SORRY, I KNOW YOU WHAT YOU FEEL LIKE...

25 THAT'S OKAY.

1 ...WE KEEP GOING OVER THIS OVER AND OVER AND OVER AGAIN
2 BUT YOU SAY YOU SAW HIM TURN THE WHEELS. DID YOU SEE
3 HIM TURNING THE STEERING WHEEL OR DID YOU SEE...

4 NO, I JUST SAW THE WHEEL JUST TURN.

5 YOU SAW THE WHEEL TURNING (UNCLEAR.)

6 YEAH, YOU COULD SEE THAT HE HAD STEERED THEM TO THE
7 LEFT AND HE WAS GONNA TRY AND GO AROUND.

8 JUST SO WE'RE CLEAR, YOU DIDN'T SEE THE SUSPECT DO
9 ANY...OR THE GUY IN THE CAR...

10 NO.

11 THIS GUY.

12 NO.

13 YOU DIDN'T SEE HIM DO ANYTHING?

14 NO, I DIDN'T SEE HIM DO ANYTHING.

15 YOU NEVER SAW HIM?

16 THERE WAS NO ABRUPT MOVEMENTS OR...

17 DID YOU KNOW HE WAS A GUY, DID YOU KNOW THE DRIVER
18 WASN'T A FEMALE?

19 I HAD A FEELING IT WAS A GUY.

20 BLACK, WHITE (UNCLEAR?)

21 YEAH BLACK.

22 BUT YOU NEVER SAW THE PERSON?

23 NO.

24 HOW'D YOU FIND OUT IT WAS A GUY?

1 AH JUST THE NEIGHBORHOOD. THERE WAS, THERE WAS
2 INSTANTLY...

3 NO, BELIEVE ME I...

4 (UNCLEAR) PEOPLE OUT THERE. BLAH, BLAH, BLAH, BLAH,
5 BLAH. THERE WAS ONE TIME...

6 WE HAVE TO CLARIFY (UNCLEAR)

7 DID YOU SEE THE DEPUTY AFTER THE INCIDENT, THE DEPUTY
8 GOT, SOMEONE WAS THROWING ROCKS. DID YOU SEE...?

9 I DIDN'T SEE THAT AT ALL.

10 YOU DIDN'T SEE THAT AT ALL?

11 NO, NO.

12 OKAY ANYTHING ELSE?

13 NO, THAT'S IT FOR ME. I MEAN...

14 YOU KNOW WHAT'S GONNA PROBABLY HAPPEN, I'M GONNA
15 PROBABLY BOTHER YOU A COUPLE OF TIMES (UNCLEAR.)

16 I IMAGINE SO, I MEAN I'M, I'M KIND OF UPSET ABOUT IT TO
17 BE HONEST WITH YOU.

18 AND WE...

19 IT WAS SO LIKE...

20 ...WE SEE THAT.

21 AND WE SEE THAT.

22 THAT'S UNDERSTANDABLE.

23 IT'S...

24 YOU CAN'T WITNESS SOMETHING LIKE THAT AND NOT BE UPSET.

1 I'M ONE OF THOSE PEOPLE THAT'S ALWAYS ON THE STREET OUT
2 HERE LIKE WE, I WALK TO THAT SHOPPING CENTER LEFT AND
3 RIGHT. AND...

4 YEAH.

5 ...I HAVE A LITTLE [REDACTED] AND [REDACTED]
6 [REDACTED] AND ME AND [REDACTED] ARE BOTH FREELANCE SO WE JUST
7 LIKE TO HANG OUT IN THE NEIGHBORHOOD A LOT.

8 YEAH.

9 WE JUST GOT A DOG AND I MEAN THAT WAS LIKE LITERALLY
10 HAD A MOMENT WHERE I WAS DIDN'T THINK I WAS GONNA COME
11 HOME YOU KNOW. AND I JUST LEFT [REDACTED] AND [REDACTED] A
12 FEW MINUTES BEFORE AND THEN SHE STOOD OUT...

13 AND THAT'S, THAT VERY FRIGHTENING.

14 ...THERE AND KNEW, WAS UP HERE AND SAW IT ALL OUT THE
15 WINDOW AND KNEW THAT I WAS JUST RIGHT THERE AND IT WAS
16 ABOUT TIME FOR ME TO COME HOME SINCE IT'S ALWAYS AT THE
17 SAME ROUTE.

18 HAVE YOU EVER WITNESSED A SHOOTING BEFORE?

19 NOT THAT CLOSE, NO.

20 OH BUT YOU SAY YOU LIVED IN THE [REDACTED].

21 I LIVED IN [REDACTED] AND IT'S YOU KNOW THERE WERE DRIVE-
22 BYS QUITE A BIT.

23 YOU LIVED IN [REDACTED] TOO?

24 I LIVED IN [REDACTED] [REDACTED]..

25 OKAY.

1 ...AND SO YOU KNOW I'M NOT BUT LIKE I SAID THE WORD I CAN
2 GIVE BEST WAS IT WAS JUST WAY TOO ERRATIC. THERE WAS
3 TOO MANY KIDS, THERE WAS, IT WAS, IT WAS SCARRY AND IT
4 PROBABLY SHOULD HAVE BEEN HANDLED DIFFERENTLY.

5 AND YEAH WE'LL...

6 ALRIGHT.

7 ...THAT'S, THAT'S WHAT WE'RE LOOK...WE'LL LOOK INTO
8 EVERYTHING. AHM BUT ANOTHER QUESTION, IT'S A PERSONAL
9 QUESTION AH ANY DRUG USE OR MEDICATIONS YOU'RE TAKING
10 OR ALCOHOL USE TODAY.

11 (UNCLEAR) NO. I HAD A BEER, I HAD A BEER AFTER.

12 AFTER BUT NOT BEFORE?

13 NO, NO, NONE AT ALL. ACTUALLY COFFEE BEFORE. I WAS ON
14 SOLO KID DUTY SO THAT [REDACTED] DON'T
15 LET UP.

16 (UNCLEAR) THAT ENERGY.

17 OH YEAH, IT'S (UNCLEAR.)

18 HAVE YOU TALKED TO YOUR WIFE ABOUT THIS INCIDENT?

19 JUST BRIEFLY WE HAD A, AFTER WE HAD THE WHOLE OUTSIDE
20 THING. IT WAS ALL COMMUNITY TALK AND THEN SHE WENT TO
21 THE STORE AND THEN SHE CALLED AND TOLD ME WHAT IT WAS
22 LIKE OUT THERE ON THE STREET AND CAME BACK AND I'M KIND
23 OF LIKE SHAKEN UP SO I SPENT MY TIME WRITING OUT MY
24 STATEMENT AND...

1 AFTER IT HAPPENED YOU SAID YOU CAME UP AND YOU GUYS
2 KIND A WENT THIS, THIS JUST WENT DOWN LIKE SHE HAD SEEN
3 IT RIGHT?

4 YEAH, WELL...

5 (UNCLEAR.)

6 ...SHE HAD A DIFFERENT VIEW. I MEAN YOU COULD SEE FROM
7 OUR BALCONY.

8 RIGHT.

9 OUR BALCONY IS LIKE THE FRONT YARD THAT...

10 HOW MUCH DID I MEAN (UNCLEAR) SECONDS, SHE WAS OUT THE
11 DOOR (UNCLEAR.) THERE REALLY WASN'T A WHOLE LOT.

12 ACTUALLY, I HAVEN'T EVEN HEARD WHAT SHE ACTUALLY
13 WITNESSED HERSELF. I DIDN'T ASK HER, I WAS TOO BUSY
14 BEING AH CAUGHT IN THE CROSSHAIRS.

15 AND AHM YOU MENTIONED THAT YOU, YOU HAD SPOKEN TO SOME
16 FOLKS IN THE COMMUNITY IS, IS THAT WHAT I HEARD?

17 JUST YEAH, JUST BRIEFLY LIKE WHEN EVERYBODY'S ON THE
18 STREET.

19 JUST WHO ARE THESE PEOPLE, JUST AH...

20 I DON'T KNOW MOST OF 'EM BY NAME BYT JUST PEOPLE WHO
21 LIVE, I MEAN...

22 IN THE NEIGHBORHOOD?

23 ...LIKE I SAID, IT WAS A SUNDAY AFTERNOON. A LOT OF
24 PEOPLE WERE OUT ON THEIR BALCONIES, A LOT OF PEOPLE IN
25 THE PARK.

1 [REDACTED] DO YOU KNOW IF ANYBODY ELSE WITNESSED IT?

2 [REDACTED] I, I SAW, I DO HAVE A NUMBER IT'S IN THE EMAIL AH I CAN
3 GIVE IT TO YOU NOW.

4 [REDACTED] SOMEONE ELSE YOU KNEW.

5 [REDACTED] THERE WAS ONE GIRL WHO SAID THAT SHE WITNESSED
6 EVERYTHING AND I FEEL LIKE SHE SAID THAT SHE...SHE FELT
7 LIKE SHE GOT SHOT AT SO SHE MIGHT A BEEN LIKE SOMEWHERE
8 IN THE PARK UP HERE. AH HER NAME WAS [REDACTED]
9 [REDACTED]

10 [REDACTED] DOES SHE LIVE NEAR HERE?

11 [REDACTED] I HAVE NEVER SEEN HER BUT YET SHE WAS...

12 [REDACTED] AND YOU TALK TO HER OUTSIDE AFTERWARDS?

13 [REDACTED] ...BUT SHE WAS JUST OUT IN FRONT SOMEWHERE. I DIDN'T
14 TALK TOO LONG, I WAS JUST SITTING WITH THEM SO.

15 [REDACTED] OKAY. WELL, LIKE I SAID, I GAVE YOU MY CARD. WE'LL
16 PROBABLY HAVE SOME MORE QUESTIONS LATER. USUALLY IF,
17 AH WE'LL PRO...WE MAY HAVE YOU COME DOWN TO NOVATO P. D.,
18 MAYBE IF THAT'S POSSIBLE LATER ON.

19 [REDACTED] OKAY.

20 [REDACTED] AND WE...WE'LL HA...JUST HAVE TO WAIT AND SEE HOW THIS
21 PLAYS OUT. WE WANT A MAKE IT AS COMFORTABLE FOR YOU AS
22 POSSIBLE.

23 [REDACTED] SURE.

24 [REDACTED] AHM BUT IT'LL BE PROBABLY THE, THE THREE OF US ALWAYS
25 TOGETHER WHEN WE TALK TO YOU.

1 [REDACTED] OKAY.

2 [REDACTED] JUST SO WE'RE NOT TRYING TO MAKE PEOPLE FEEL LIKE...

3 [REDACTED] NO, IT'S OKAY...

4 [REDACTED] ...(UNCLEAR) BUT JUST LIKE IT'S A FINE PROCESS.

5 [REDACTED] ...I MEAN COME MORNING I'M GONNA BE PROBABLY SETTING
6 MYSELF UP WITH AH I WANT A HAVE SOME LEGAL ADVICE
7 MYSELF...

8 [REDACTED] ABSOLUTELY.

9 [REDACTED] ... SO I MEAN.

10 [REDACTED] ABSOLUTELY.

11 [REDACTED] ...I DEFINITELY WANT A KEEP IT...

12 [REDACTED] YOU'VE DONE ABSOLUTELY...

13 [REDACTED] ..AS...

14 [REDACTED] ...NOTHING WRONG...

15 [REDACTED] OKAY.

16 [REDACTED] ..AND WE'RE...

17 [REDACTED] NO, NOT THAT.

18 [REDACTED] YOU'RE A WITNESS...

19 [REDACTED] I JUST WANT A MAKE SURE...

20 [REDACTED] ..AND YOU WILL BE PROTECTED.

21 [REDACTED] NO, I THINK IT'S IMPORTANT, I JUST HAVING KIDS AND...

22 [REDACTED] WELL IF...

23 [REDACTED] ...JUST FINISHING SIGNING MY LEASE AND STUFF HERE YOU
24 KNOW.

25 [REDACTED] (UNCLEAR.)

1 THERE'S PROBLEMS IN THIS COMMUNITY. I'VE BEEN HERE FOR
2 ABOUT THREE YEARS.

3 OH, OKAY.

4 MY [REDACTED] IS WELL IMBEDDED IN [REDACTED]

5 (UNCLEAR.)

6 .. [REDACTED] AND [REDACTED] AND I JUST...

7 WELL...

8 ...I TAKE THE, I AM A MAN OF FAITH SO I KIND OF TAKE
9 WHAT'S RIGHT SERIOUSLY.

10 MM MM. I AGREE, GOOD FOR YOU.

11 SO.

12 WHAT, WHAT I'D LIKE TO LEAVE AH TO ASK YOU, IF YOU DO
13 OBTAIN AHM LEGAL REPRESENTATIVE, HAVE GI...HAVE HIM GIVE
14 ME A CALL SO I CAN...

15 ABSOLUTELY.

16 ...TALK TO HIM.

17 SURE.

18 AND HE CAN ALWAYS BE PRESENT WHEN WE TALK, THAT'S NOT A
19 PROBLEM.

20 OKAY, THAT'S COOL.

21 OKAY.

22 AH DO YOU (UNCLEAR.)

23 I HAVE AH THE SOCIAL SECUR...SOCIAL SECURITY OR DRIVER'S
24 LICENSE NUMBER.

25 AHM...

1 [REDACTED] DO YOU HAVE A DRIVER'S LICENSE?

2 [REDACTED] DRIVER'S LICENSE. ACTUALLY, (UNCLEAR) SOCIAL SECURITY
3 NUMBER.

4 [REDACTED] OKAY.

5 [REDACTED]
6 [REDACTED] AND DO YOU HAVE A HOME PHONE NUMBER OR IS THIS JUST
7 YOUR CELL?

8 [REDACTED] NO, WE'RE WIRELESS PEOPLE.

9 [REDACTED] THAT'S, THAT'S WHAT I FIGURED OKAY AND [REDACTED]

10 [REDACTED] YEAH.

11 [REDACTED] AND IT'S [REDACTED]

12 [REDACTED] IT'S [REDACTED], YOUR LAST NAME IS [REDACTED]

13 [REDACTED] MM MM CORRECT.

14 [REDACTED] CORRECT?

15 [REDACTED] YEAH.

16 [REDACTED] YES. AND AHM YOU DO [REDACTED],

17 RIGHT?

18 [REDACTED] YEAH.

19 [REDACTED] YOU SAID YOU DO [REDACTED] TOO.

20 [REDACTED] A LITTLE BIT OF [REDACTED]

21 [REDACTED] (UNCLEAR) THAT ALL KIND A GOES (UNCLEAR.)

22 [REDACTED] ALL THAT STUFF, YEAH.

23 [REDACTED] OKAY? VERY GOOD, SIR.

24 [REDACTED] APPRECIATE IT.

25 [REDACTED] IF YOU COULD SEND [REDACTED] OUT.

1
2
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OKAY.
ARE WE GONNA TAKE IT DOWN AFTER?
AND THEN WE'LL TAKE HIM AFTER WE'VE DONE BOTH
INTERVIEWS..
OKAY, ■■■■■■

=====

1
2 INTERVIEW WITH [REDACTED]
3 INTERVIEWED BY DETECTIVES [REDACTED] AND [REDACTED], NOVATO
4 POLICE DEPARTMENT AND SERGEANT [REDACTED], MARIN COUNTY
5 SHERIFF'S OFFICE
6 =====

7 [REDACTED] I WON'T GET ARRESTED IF I GO IN HERE, RIGHT?

8 [REDACTED] AH WE'RE, WE'RE NOT GONNA LET YOU WALK ON THE...WE, SEE...

9 [REDACTED] OKAY.

10 [REDACTED] ...SO WE CAN GO...

11 [REDACTED] LET'S GO UP THE BACK WAY...

12 [REDACTED] ...AROUND. WE CAN GO...

13 [REDACTED] ...WE DON'T WANT A GO THROUGH THE TAPE.

14 [REDACTED] TAKE A LOOK RIGHT HERE. SO WE CAN GO AROUND.

15 [REDACTED] LET'S GO AROUND, YEAH, THERE'S A BACK WAY. YOU GO
16 RIGHT THROUGH THE COURTYARD.

17 [REDACTED] AND NO, YOU WON'T GET ARRESTED WHEN YOU'RE WITH THE
18 COPS.

19 [REDACTED] I WAS JUST...

20 [REDACTED] AND WHERE WERE, WHERE WERE THESE KIDS PLAYING? WHERE
21 YOU SAY, YOU MENTIONED YOU SAW KIDS PLAYING?

22 [REDACTED] YEAH, THEY WERE, I MEAN SOME KIDS CAME RUNNING DOWN
23 THIS HILL AFTERWARDS AND...

24 [REDACTED] RUNNING FROM THAT SIDE?
25

1 FROM THE, I SAW SOME COMING FROM THIS SIDE. THE
2 BIGGEST GROUP OF 'EM WERE COMING FROM THAT SIDE. AND
3 THEY WERE ALL LIKE KIND A HOLED UP.

4 SO THEY WEREN'T OVER HERE?

5 THERE WERE SOME OVER HERE.

6 OKAY.

7 BUT THE BIGGEST GROUP WAS COMING FROM ACROSS THAT
8 STREET...(UNCLEAR)

9 (UNCLEAR)

10 ...(UNCLEAR) BUT WHEN THE COP WENT DOWN THE STREET, THEY
11 CAME ON BOTH SIDES...(UNCLEAR).

12 (UNCLEAR.)

13 ...OH I PROBABLY NOTICED THIS WHOLE THING GOING DOWN IT
14 WAS ABOUT...

15 SO IN FRONT OF AH TEN...

16 YEAH.

17 ...THE GATE TO TEN TERNERS?

18 AT LEAST, YEAH

19 OKAY.

20 AND I WOULD SAY AT LEAST PROBABLY PER THIS, MAYBE THAT
21 SIDEWALK...

22 WHERE WERE YOU...

23 AND THEN WHEN I LOOKED UP...

24 ...WHERE WERE YOU WHEN YOU FIRST AH SAW (UNCLEAR.)
25

1 THIS IS WHERE I FIRST NOTICED. AND THEN I GO LIKE I
2 KIND A WALKED, ALSO AT THIS TREE. I DOVE DOWN OVER
3 HERE.

4 IT'S, THIS IS TEN TERNER RIGHT HERE. THE GATE, TEN
5 TERNER, CAN YOU USE THAT AS A REFERENCE POINT?

6 OKAY. SO PROBABLY AROUND THERE IS WHERE MY
7 CONSCIOUSNESS CAME UP, RIGHT HERE WHERE I MEAN I WAS
8 STANDING AROUND HERE WHEN SOMEWHERE IN THIS AREA.

9 SO...

10 I FEEL LIKE...I PROBABLY WHEN I JUMPED DOWN AND HE WAS
11 ABOUT HERE.

12 RIGHT ABOUT THE LAMP POST?

13 YEAH.

14 WHERE WERE YOU WHEN THE, WHEN THE SHOTS STARTED GOING
15 OFF?

16 RIGHT IN THIS WHAT I'D SAY...

17 SO...

18 ...AS BEST AS I CAN, I WAS RIGHT AROUND HERE...

19 ...SO STAND RIGHT OVER RIGHT, RIGHT WHERE I AM.

20 AND THE OFFICER WAS...

21 DEPUTIES.

22 ...PRETTY FAR OUT...

23 DEPUTIES.

24 ...IN THE STREET LIKE...

25 SO.

1 [REDACTED] ...ABOUT WHERE THE GLASS IS.

2 [REDACTED] YOU, YOU SEE WHAT I'M SEEING THERE ROB?

3 [REDACTED] YEAH, OKAY.

4 [REDACTED] DID YOU, DID YOU, WAS YOUR VIEW OBSTRUCTED OR WAS OR
5 WERE YOU...

6 [REDACTED] I MEAN I DON'T FEEL LIKE IT WAS OBSTRUCTED SO I FEEL
7 LIKE AS I'M WALKING, I COULD SEE AH SEE, I COULD SEE
8 WHEN HIS TIRE CAME OUT FROM BEHIND THE CAR. I SAW...

9 [REDACTED] SO WERE YOU...

10 [REDACTED] ...HIS TIRE (UNCLEAR)...

11 [REDACTED] ...ON THIS SIDE OR WERE YOU...

12 [REDACTED] YEAH, I WAS...

13 [REDACTED] OKAY.

14 [REDACTED] ...I MEAN USUALLY I WALK ON THE RIGHT-HAND SIDE ANYWAY SO
15 I WAS PROBABLY AND THEN WHEN IT CAUGHT MY EYE, I WAS
16 STARTING TO GET MY ATTENTION AND...

17 [REDACTED] AND SO, AND SO YOU WENT OVER, YOU WENT OVER WHEN YOU
18 HEARD THE...START HEARING THE SHOTS?

19 [REDACTED] I WENT OVER HERE.

20 [REDACTED] YOU WENT OVER HERE?

21 [REDACTED] PROBABLY BEFORE THE SHOTS WERE FIRED. WHEN HE STARTED
22 WALK..., 'CAUSE THERE WAS A SECOND WHERE HE...

23 [REDACTED] THAT'D BE FINE.

24 [REDACTED] ...WAS BACKING UP AND SAYING DON'T MOVE THE CAR, DON'T
25 MOVE THE CAR. (UNCLEAR.)

1 YOU WERE HERE WHEN YOU, WHEN...

2 I WAS MOVING IN THIS DIRECTION.

3 OKAY.

4 JUST IMAGINE A CAUTIOUS GUY...

5 YEAH.

6 ...SLOWLY VEERING TOWARDS SAFETY. IT DIDN'T EVEN HIT ME

7 TO HIT THE GROUND UNTIL THIS WAS TOO MANY SHOTS.

8 RIGHT HERE IN THIS AREA YOU FIRST SEE IT?

9 PROBABLY, YEAH.

10 AND THEN YOU WALK UP, ARE YOU STILL ON THIS SIDE OR

11 THIS SIDE?

12 I'D BE ON THIS SIDE.

13 OKAY. AND YOU CAN HEAR THE DEPUTY FROM HERE?

14 YEAH.

15 OKAY.

16 ABSOLUTELY, I MEAN LOUD AND CLEAR.

17 AND THEN AHM YOU SEE, FROM THIS SPOT, YOU SEE THE CAR

18 WHEELS TURN?

19 I DID. I DID SEE THE WHEELS TURN. I MEAN THAT'S WHEN

20 I KNEW THINGS WERE GONNA GO WRONG.

21 OKAY.

22 SO I, THAT'S THE PART THAT I CAN'T GET OUT OF MY HEAD

23 SO I MUST A BEEN...

24 'CAUSE, SIR, I'M, I'M JUST GONNA SAY THIS.

25 YEAH.

1 I'M HAVING A HARD TIME SEEING THAT CAR THAT WAS PARKED
2 IN FRONT OF THE OTHER CAR WITH THAT POWER BOX THERE ON
3 THE TREES.

4 YEAH.

5 HOW, HOW, I'M, I'M WONDERING HOW YOU SAW THE WHEELS OF
6 THE CAR TURN AT THIS DISTANCE?

7 STANDING RIGHT HERE, I COULD SEE, I MEAN THE CAR
8 PROBABLY WASN'T PARKED ALL THE WAY UP TO THE CURB OR
9 SOMETHING TO THAT EFFECT BUT I COULD, I WATCHED HIM
10 PULL OUT OF HIS SPACE. I WATCHED THIS FIRST WHEEL
11 TURN, I KNEW SOMETHING WAS VERY WRONG.

12 YOU COULD SEE THE CAR'S WHEELS (UNCLEAR?)

13 I SAW THE CAR'S WHEEL TURN, YEAH.

14 FROM HERE YOU DID SEE THE CAR'S WHEEL TURN?

15 I MEAN YEAH.

16 ARE YOU SURE ABOUT...

17 THAT'S NOT IT.

18 ...THIS SPOT, THIS, THIS IS WHERE YOU WERE? ARE YOU
19 PRETTY CERTAIN ABOUT THAT?

20 (UNCLEAR) I MEAN, I LAID DOWN ON THE GROUND, RIGHT
21 AROUND HERE.

22 (UNCLEAR.)

23 SOMEWHERE BETWEEN THIS DIP AND HERE AND I LAID DOWN.

24 AND YOU RECALL LIKE THE BULLETS WERE, 'CAUSE IT LOOKS
25 LIKE THERE'S A LITTLE DIP RIGHT THERE. SO...

1 YOU SAID YOU, YOU HEARD SHOTS WHIZ BY YOUR HEAD, IS
2 THAT WHAT YOU SAID?

3 WHIZ BY YOUR HEAD?

4 SHOTS IN MY DIRECTION.

5 YEAH, OKAY.

6 BUT YOU SAID WHIZZED BY YOUR HEAD INSIDE.

7 NO, I DIDN'T USE THE WORDS WHIZZED BY MY HEAD.

8 (UNCLEAR) FIRED THREE SHOTS OVER MY HEAD.

9 OH YEAH, IT'S GONNA GET YOUR ATTENTION.

10 AS THEY WENT THAT WAY, 'CAUSE MORE SHOTS WERE FIRED AS...

11 AND YOU'RE LAYING ON THE GROUND HERE?

12 YEAH.

13 AND THEN THAT WAY YOU COULD SEE THE CAR GO BY.

14 I SAW THE CAR GO BY. I MEAN THERE WAS A MINUTE WHERE I
15 TURNED IN THE OTHER DIRECTION, I WAS SCARED.

16 (UNCLEAR.)

17 AND WHEN I TURNED AROUND, THE CAR WAS GONE.

18 DO YOU WANT A SHOT FROM THERE?

19 (UNCLEAR.)

20 OKAY. (UNCLEAR) WHEN YOU FIRST SAW IT.

21 OKAY.

22 AND THEN WHERE HE WAS WHEN YOU HEARD THE FIRST SHOTS.

23 OKAY. OKAY SO WHEN, YOU, YOU SAID YOU HEARD THE
24 DEPUTY. WAS THE DEPUTY YELLING?
25

1 HE YELLED DON'T MOVE THE, I MEAN YEAH, HE WAS IN FULL
2 ON...

3 OKAY.

4 ...LOUD AND CLEAR MODE.

5 OKAY...

6 SO.

7 ...AND DID YOU HEAR THE, THE GUY IN THE CAR SAY ANYTHING?

8 NO.

9 DID YOU SEE ANYBODY ELSE OUT ON THE STREET?

10 AH THERE WERE PEOPLE ON ALL SIDES. I FEEL LIKE THERE
11 WERE PEOPLE UP ON THE TOP OF THE HILL, THERE WERE
12 PEOPLE, THERE WAS A HUGE GROUP OF PEOPLE IN THIS PARK.
13 I MEAN THERE WERE KIDS PLAYING ON THE PLAYGROUND OVER
14 HERE. WHEN THE DEPUTY STOPPED SHOOTING AND HE WAS DOWN
15 THIS WAY. AROUND THE TIME HE GOT RIGHT ABOUT HERE WAS
16 WHEN I GOT UP AND STARTED RUNNING AND THE WHOLE GROUP
17 RAN ACROSS THE STREET HERE. ANOTHER GROUP OF KIDS CAME
18 DOWN FROM THE SIDEWALK OR THE HILL HERE AND WENT BACK
19 THAT WAY.

20 OKAY.

21 AND THEN SHORTLY THEREAFTER (UNCLEAR.)

22 SO THIS IS ABOUT WHERE YOU WERE (UNCLEAR)...

23 THAT'S AH, I GUESS THAT'S THE HARD PART IS KNOWING
24 EXACTLY...

25 YEAH.

1 [REDACTED] ...HOW...

2 [REDACTED] YEAH.

3 [REDACTED] ...I SAW IT ALL AND WHAT I WAS DOING WHEN HE CAUGHT MY
4 ATTENTION BUT I COULD SEE THE SILVER CAR, I COULD THE
5 DRIVER'S SIDE TIRE OF THE CA...THE CAR THAT HE WAS
6 INTERACTING WITH.

7 [REDACTED] WHEN YOU WERE ON...(UNCLEAR.)

8 [REDACTED] THE OFFICER WAS UP NEXT TO THE CAR AND THEN BACKED OUT.
9 YEAH, I WAS ON THIS SIDEWALK AND THEN I VEERED...

10 [REDACTED] YEAH.

11 [REDACTED] ...OR THERE.

12 [REDACTED] SO ABOUT...

13 [REDACTED] SO I PROBABLY WAS...

14 [REDACTED] (UNCLEAR)...THINK ABOUT WHERE YOU THINK, JUST A GENERAL,
15 WHERE YOU THINK YOU WERE?

16 [REDACTED] WHEN THE SHOTS WERE FIRST FIRED?

17 [REDACTED] YEAH.

18 [REDACTED] LIKE I WAS PROBABLY MOVING IN THIS DIRECTION, 'CAUSE
19 THE COP WAS MOVING BACK WITH HIS GUN DRAWN.

20 [REDACTED] BECAUSE YOU SAW HIS, DID YOU SEE HIS...HIM POINTING THE
21 GUN...

22 [REDACTED] YEAH HE...

23 [REDACTED] ...IS THAT WHY YOU...

24 [REDACTED] ...I MEAN I COULD SEE IT...

25 [REDACTED] ...GOT OUT OF THE WAY?

1 ■ YEAH, OR ON PROFILE...

2 ■ WHERE WERE YOU WHEN YOU FIRST SAW THE OFFICER POINT THE
3 GUN?

4 ■ I WAS RIGHT AROUND HERE. I WOULD A BEEN, 'CAUSE I
5 WOULD A GRAVITATED TOWARDS THAT.

6 ■ SO KIND OF...

7 ■ IT HASN'T BEEN THAT LONG.

8 ■ 'CAUSE IF YOU WERE AND YOU WENT OVER HERE...

9 ■ YEAH.

10 ■ ...TO GET OUT OF THE WAY.

11 ■ YEAH. OKAY.

12 ■ BUT BEFORE THE SHOTS STARTED GOING OFF, YOU MOVED OVER
13 TO THE LEFT.

14 ■ I WAS PROABLY VEERING THAT WAY.

15 ■ OKAY.

16 ■ YEAH.

17 ■ OKAY.

18 ■ I MEAN I IMAGINE I WAS KIND OF IN THE MIDDLE OF THE
19 SIDEWALK AND VEERED OUT AND THEN CAME IN WHEN I SAW THE
20 DANGER.

21 ■ BUT THE SHOTS WERE STARTING TO GET FIRED WHILE YOU
22 WERE...

23 ■ YEAH.

24 ■ ...ON THE SIDEWALK.

25 ■ YEAH.

1 [REDACTED] OKAY.

2 [REDACTED] I JUST WANT A HAVE HIM BE ABLE TO MARK THE CHALK BOARD
3 WHEREVER HIS IS. OKAY SO I'M GONNA TURN OFF THE
4 RECORDER. DO YOU HAVE ANY MORE QUESTIONS? ANYTHING?

5 [REDACTED] NO.

6 [REDACTED] ALRIGHT, WELL LET'S TURN OFF THE RECORDER, WE'RE JUST
7 GONNA HAVE YOU MARK THE...

1 =====
2 INTERVIEW #2, WITH [REDACTED]
3 INTERVIEWED BY SERGEANT [REDACTED], MARIN COUNTY SHERIFF'S
4 OFFICE
5 =====

6 [REDACTED] OKAY SO TODAY IS AH 12/19 AND IT IS...

7 [REDACTED] NOON.

8 [REDACTED] TWELVE NOON. AND I'M AT AH [REDACTED],
9 TALKING TO [REDACTED]. OKAY, [REDACTED], AHM WHEN
10 LISTENING TO YOUR INTERVIEW I, I CAME UP WITH A BUNCH
11 OF QUESTIONS THAT I, THAT I WANTED TO AH TALK TO YOU
12 ABOUT.

13 [REDACTED] OKAY.

14 [REDACTED] JUST SOME CLARIFICATIONS. YOU MENTIONED IN THE
15 INTERVIEW AND THIS IS KIND A OUT OF ORDER SO I
16 APOLOGIZE FOR THAT.

17 [REDACTED] SURE.

18 [REDACTED] BUT AH YOU MENTION THAT AHM THIS THE, THE PERSON WAS
19 STOPPED FOR A SUSPENDED LICENSE. HOW DID YOU KNOW
20 THAT? YOU MEN...YOU...

21 [REDACTED] HOW DID I KNOW? THAT I KNEW THAT?

22 [REDACTED] THE, THE DAY OF THE, THE, YEAH, IT WAS THAT NIGHT AND
23 IT WAS ABOUT TEN O'CLOCK THAT WE CAME AND INTERVIEWED
24 YOU AND YOU MENTIONED THAT AHM THAT HE WAS SOMETHING...
25 [REDACTED] YOU GUYS GOT HERE LATE?

1 ■ YEAH.

2 ■ THE ONLY WAY I COULD HAVE OBTAINED THAT INFORMATION IS
3 IF THAT ARTICLE, WHICH I THINK IT WAS IN THE *MARIN IJ*,
4 OR SOMETHING WAS PUBLISHED.

5 ■ OKAY SO YOU DIDN'T, DID YOU...

6 ■ EITHER THAT OR SOMEBODY WOULD HAVE MENTIONED IT.

7 ■ SOMEBODY?

8 ■ YES, SOMEBODY.

9 ■ DID YOU TALK TO PEOPLE OUT ON THE STREET?

10 ■ I DID IMMEDIATELY AFTER PRETTY MUCH SO.

11 ■ DO YOU KNOW WHO YOU TALKED TO?

12 ■ I MEAN, NO, THE OFFICER WAS THERE AND THEN THERE WAS A
13 COUPLE OF UNFRIENDLY OFFICERS THERE WHO DIDN'T REALLY
14 WANT A TAKE ANY TIME TO DISCUSS ANYTHING WITH ME SO.

15 ■ AHM NOT TRYING TO DEFEND THEM BUT...

16 ■ I MEAN THE FIRST...

17 ■ ...BUT WHEN, WHEN THEY, WHEN THEY HAVE SOMETHING, AN
18 INCIDENT LIKE THAT, THEY CAN'T TALK ABOUT IT.

19 ■ YEAH.

20 ■ THAT'S PROBABLY WHY...

21 ■ YEAH, NO.

22 ■ ...SO IT'S, THEY SHOULD HAVE EXPLAINED THAT...

23 ■ YEAH.

24 ■ ...BUT THAT'S WHY.

25 ■ YEAH.

1 AHM WERE THERE ANY PEOPLE OUT THERE, ANY, ANY
2 COMMUNITY MEMBERS THAT YOU SPOKE TO ABOUT THE INCIDENT.
3 THERE WAS AH I MEAN THERE WAS CHITCHAT GOING ON AMONGST
4 THE COMMUNITY, 'CAUSE THERE WAS, THEY HAD AN ENTIRE AH
5 AUDIENCE ALMOST IMMEDIATELY, 'CAUSE IT WAS SUNDAY
6 AFTERNOON SO.

7 AND WAS IT ON THIS SIDE OR THAT SIDE OF THE STREET.

8 WELL, RIGHT HERE IS THE PARK SO EVERYBODY WAS GATHERED
9 UP RIGHT HERE AT THE END OF THE SIDEWALK.

10 OKAY. AND THEN JUST AHM, JUST A CLARIFICATION. SO IF
11 THIS, IF GOING TOWARDS THE SHOPPING CENTER IS NORTH...

12 YEAH.

13 ...WHICH IT IS ON THE MAP...

14 YEAH.

15 ...THIS INCIDENT TOOK PLACE ON WHICH SIDE, WHICH...

16 THIS SIDE OF THE STREET, YEAH.

17 ...IF THE (UNCLEAR) THAT'S THE WEST SIDE ACROSS, THIS IS
18 THE EAST SIDE.

19 YEAH IF YOU COULD THAT I MEAN HERE'S THE TENNIS COURTS...

20 UH HUH.

21 ...AND EVERYTHING, AND THAT HAPPENED RIGHT YOU CAN LOOK
22 RIGHT DOWN FROM THIS BALCONY (UNCLEAR.)

23 SO IT'S THE EAST SIDE OF THE STREET. 'CAUSE YOU SAID
24 ON THE, YOU SAID, I'M JUST CLARIFYING, 'CAUSE YOU SAID
25 THE WEST SIDE AND I THINK YOU JUST MISSPOKE.

1 ■ SURE, SURE.

2 ■ OKAY.

3 ■ I MEAN I DON'T KNOW MY AH...

4 ■ RIGHT.

5 ■ ...DIRECTION VERY WELL. I'M FROM ■ (UNCLEAR.)

6 ■ RIGHT, NO, NO, NO, I GOT IT. AHEM...

7 ■ TO ME THE HIGHWAY GOES THAT WAY AND THAT'S SOUTH SO I
8 ALWAYS SAY...

9 ■ AHEM YEAH.

10 ■ ...IT'S TOWARDS THE SHOPPING CENTER.

11 ■ YEAH, IT IS. IT IS.

12 ■ AND WHICH IT IS, EAST.

13 ■ RIGHT.

14 ■ (UNCLEAR) COURT.

15 ■ AHEM AND THEN YOU MET..MM...YOU MENTIONED THAT THERE WAS
16 AN EXCHANGE OF WORDS, THAT YOU HEARD AN EXCHANGE OF
17 WORDS, 'CAUSE YOU SAID YOU WERE AHEM YOU WERE IN FRONT
18 OF TEN TERNERS DRIVE, AS I RECALL, THAT'S WHERE YOU
19 FIRST, YOU FIRST SAW THE INCIDENT.

20 ■ YEAH.

21 ■ AND YOU HEARD, YOU SAID THERE WAS AN EXCHANGE OF WORDS.

22 ■ AHEM...

23 ■ CAN YOU TALK TO ME A LITTLE BIT ABOUT THAT?

24 ■ I WAS MORE LIKE, I HEARD THE OFFICER, I MEAN I WAS A
25 BLOCK AND A HALF AWAY SO ALL I HEARD WAS YOU KNOW TALK,

1 WHICH CAUGHT MY EYE. HE WASN'T AT THE CAR BY THAT
2 POINT AND TIME. HE WAS STILL COMING OUT OF HIS CAR
3 FROM WHAT I REMEMBER.

4 [REDACTED] OKAY.

5 [REDACTED] AND HE...

6 [REDACTED] SO YOU SAW THE OFFICER GET OUT OF HIS CAR.

7 [REDACTED] YEAH, IT WAS VERY INSTANTANEOUS. THE, IT WAS,
8 EVERYTHING HAPPENED REALLY QUICKLY. THERE WASN'T MUCH
9 OF ANYTHING THAT HAPPENED BEFORE. THE GUN WAS DRAWN
10 IMMEDIATELY. SO.

11 [REDACTED] SO WHEN, WHEN THE OFFICER GOT OUT OF THE CAR, DID HE
12 WAS HE DRAW...WAS HE IN THE PROCESS OF DRAWING HIS GUN?

13 [REDACTED] IF I WERE TO GIVE YOU MY ACTUAL, WHAT I REMEMBER RIGHT
14 NOW, IT WAS LIKE PRETTY INSTANT. LIKE GET OUT OF THE
15 CAR, WALK TOWARDS, SEE THAT THE GUY MIGHT HAVE DONE
16 SOMETHING. I DON'T KNOW WHAT MADE HIM PULL HIS GUN OUT
17 RIGHT AWAY BUT I MEAN...

18 [REDACTED] OKAY.

19 [REDACTED] THE ENTIRETY OF THE SITUATION INVOLVED THE GUN BEING
20 PULLED TO ME. LIKE THAT'S HOW I REMEMBER NOTICING IT...

21 [REDACTED] MM MM.

22 [REDACTED] ...SEEING IT WAS ALMOST THE FIRST THING.

23 [REDACTED] OKAY.

24 [REDACTED] SO.

1 [REDACTED] AND THEN AHM YOU HAD MENTIONED THAT THERE WERE KIDS IN
2 THE PARK.

3 [REDACTED] YEAH.

4 [REDACTED] AHM SO AS YOU WERE WALKING DOWN THE STREET, IF YOU
5 CAN, IF YOU CAN TRY TO IMAGINE, YOU...I KNOW, I KNOW
6 THERE WERE LOTS OF KIDS ON THE WEST SIDE, ON THE PAR...IN
7 THE PARK THAT'S ACTUALLY ...

8 [REDACTED] YEAH.

9 [REDACTED] ...THERE'S A LITTLE KIDS PARK.

10 [REDACTED] YEAH, WELL THERE'S A, IT'S RIGHT ACROSS THE STREET.

11 [REDACTED] IS IT?

12 [REDACTED] YEAH, YOU'RE JUST TURNED AROUND. WE'RE FACING THE
13 HIGHWAY.

14 [REDACTED] OKAY.

15 [REDACTED] THIS IS THE HIGHWAY, THIS IS THE PARK, THE, THE KIDS
16 PARK IS ACROSS THE STREET.

17 [REDACTED] OKAY. OKAY.

18 [REDACTED] AHM BUT YEAH, THERE WAS A GROUP OF LIKE I DON'T KNOW
19 EIGHT TO TEN KIDS THAT WERE IMMEDIATELY LIKE AS SOON AS
20 THE COP WALKS DOWN THE STREET TO KIND A GOING AFTER THE
21 CAR, THEY WERE ALL LIKE KIND A HUDDLED UP...

22 [REDACTED] MM MM.

23 [REDACTED] ...AND JETTED ACROSS THE STREET, THIS WAY.

24 [REDACTED] OKAY.

25 [REDACTED] AHM...

1 DID YOU ACTUALLY SEE PEOPLE ON THE SIDEWALKS WALKING IN
2 YOUR DIRECTION. AHM DID YOU SEE ANYBODY ELSE ON THE
3 SIDEWALKS ON EITHER SIDE THAT YOU CAN REMEMBER?

4 I DON'TM AT THIS POINT, NO, I DON'T REMEMBER.

5 OKAY.

6 I MEAN THERE COULD HAVE BEEN PEOPLE, IT WAS, IT WAS
7 KIND A LIKE PEAK HOUR AROUND HERE.

8 YEAH.

9 SO I WAS EVEN GOING TO THE STORE JUST TO GET STUFF FOR
10 DINNER RIGHT DOWN THERE.

11 OKAY.

12 IT WAS A BUSY TIME OF DAY, ESPECIALLY IT WAS WARM
13 OUTSIDE, A SUNDAY AFTERNOON. AHM THERE'S NEVER NOT
14 PEOPLE IN THE PARK.

15 OKAY.

16 KIND A SO.

17 AHM AND THEN, AND THEN IN THE, IN THE, IN THE
18 INTERVIEW YOU MENTIONED THAT THERE WAS SOME ROOM
19 BETWEEN THE SUS...THE SUSPECT'S VEHICLE OR THE VEHICLE
20 THAT GOT SHOT AT, WE'LL, WE'LL CALL IT THE VEHICLE THAT
21 GOT SHOT AT FOR THE PURPOSE OF THIS INTERVIEW, AND THE
22 CAR IN FRONT OF IT. THERE WAS LIKE A SILVER CAR IN
23 FRONT OF IT THAT WAS...

24 YEAH. I MEAN THEY WERE JUST, JUST LIKE YOU WOULD THE
25 AVERAGE PARALLEL PARKING JOB...

1 [REDACTED] YES.

2 [REDACTED] ...RIGHT BEHIND IT.

3 [REDACTED] SO CAN YOU TELL ME HOW YOU KN...HOW YOU KNEW OR THAT

4 THERE WAS DISTANCE BETWEEN THE CAR...

5 [REDACTED] BECAUSE IT WAS A BIG CAR AND HE DIDN'T HAVE TO REVERSE

6 TO PULL OUT. HE JUST TURNED HIS TIRES AND PULLED OUT.

7 [REDACTED] OKAY.

8 [REDACTED] HE DIDN'T HAVE, HE HAD PLENTY OF CLEARANCE AND I COULD

9 SEE IF HIS TIRES TURNED...

10 [REDACTED] OKAY.

11 [REDACTED] ...'CAUSE THAT WAS LIKE A KEY POINT TO ME IS THAT WHEN HE

12 SAID DON'T MOVE THE CAR, THE GUY TURNED HIS TIRES AND

13 THAT WAS...

14 [REDACTED] OKAY.

15 [REDACTED] ...AND HE PULLED OUT AND WENT FORWARD AWAY FROM THE COP

16 SO.

17 [REDACTED] OKAY AND THEN YOU, BUT YOU HAD MENTIONED THAT THERE WAS

18 LIKE A JERKING, LIKE A JERKING MOTION TOO.

19 [REDACTED] WELL AFTER HE GOT SHOT AT, THERE WAS LIKE A...

20 [REDACTED] SO AFTER...

21 [REDACTED] ...AM I GONNA STOP OR AM I GONNA GO. THERE, BUT THERE

22 WAS NO, I MEAN, WHEN I GET ASKED THAT QUESTION, I

23 IMMEDIATELY THINK THAT YOU'RE LOOKING FOR WAS THERE A

24 POSSIBILITY THAT HE WAS TRYING TO HIT THE OFFICER WITH

25 THE CAR. AND IF I WERE TO SAY ANYTHING ABOUT THAT, I'D

1 SAY ABSOLUTELY NOT. IT WOULD HAVE BEEN IMPOSSIBLE FOR
2 THE MAN IN THE CAR TO ENDANGER THE OFFICER FROM WHERE
3 HE WAS STANDING.

4 AND WHY IS THAT?

5 BECAUSE YOU...CARS DON'T FLOW SIDEWAYS. THE OFFICER WAS
6 CONSTANTLY PARALLEL TO THE DRIVER'S SIDE DOOR WITH HIS
7 GUN DRAWN. THERE WAS NEVER A...YOU CAN'T DO THAT.

8 HERE'S THE CAR, HERE'S THE OFFICER.

9 OKAY.

10 IF THE CAR MOVES THIS WAY, THE OFFICER MOVES BACK, CAR
11 GOES FORWARD, OFFICER GOES AFTER HIM. NEVER STOPS
12 FIRING, WAS NEVER IN DANGER AND IT, THAT WASN'T IT. I
13 MEAN...

14 SO, IN YOUR OPINION SO IF, IF, IF THIS IS, IF THIS IS
15 THE CAR AND THIS IS THE OFFICER, THE OFFICER WAS NEVER
16 IN THIS POSITION...

17 NEVER...

18 ...RIGHT HERE.

19 ...NEVER EVER, NOT EVEN CLOSE.

20 OKAY. AND YOU'RE POSITIVE OF IT?

21 I'M A HUNDRED PERCENT POSITIVE.

22 OKAY.

23 I THINK THAT THE OFFICER WAS IN THE WRONG. AND I KNOW
24 THAT'S...

25 AND...

1 ■ ...THAT'S NOT YOUR OPINION.

2 ■ ...AND, AND...

3 ■ YOU'RE NOT LOOKING FOR THE OPINION.

4 ■ NO, NO, NO.

5 ■ BUT I MEAN...

6 ■ I'M NOT.

7 ■ ...IT WAS JUST AH...

8 ■ ALL I'M, ALL I'M KIND A ASKING YOU IS WHAT YOU SAW.

9 ■ SURE.

10 ■ 'CAUSE THERE'S, THERE'S PIECES OF INFORMATION THAT YOU
11 DON'T HAVE.

12 ■ SURE, OF COURSE.

13 ■ AHM...

14 ■ NO, AND THAT'S, I UNDERSTAND (UNCLEAR.)

15 ■ ...SO, SO ALL I WANT A KNOW IS WHAT YOU SAW. I MEAN YOU,
16 YOU'RE ENTITLED TO YOUR OPINION.

17 ■ YEAH.

18 ■ I'M NOT GONNA TRY AND CHANGE YOUR MIND.

19 ■ OKAY.

20 ■ AH THAT'S NOT, THAT'S NOT WHAT I'M HERE FOR.

21 ■ (UNCLEAR.)

22 ■ AH I'M JUST HERE TO FIND OUT EXACTLY WHAT YOU SAW.

23 AHM, AHM AND DID YOU REMEMBER WHAT THE DEPUTY SAID
24 EXACTLY OR AS BEST AS YOU CAN REMEMBER, WHAT DID THE
25 DEPUTY SAY?

1 I MEAN, I WOULD LIKE TO GIVE EXACT WORDS SO I'D
2 PROBABLY WANT A GO BACK TO WHAT I JOURNALED RIGHT AFTER
3 IT HAPPENED. BUT AH IT WAS HE DREW HIS GUN AND STARTED
4 TO GO BACK FROM THE CAR AND AT THAT POINT HE SAID YOU
5 KNOW, DON'T MOVE THE CAR.

6 OKAY.

7 AND THAT WAS...

8 SOMETHING TO THAT EFFECT.

9 ...THE POINT, IT WAS, YEAH, DON'T MOVE THE CAR, DON'T
10 MOVE THE CAR, MAYBE TWO OR THREE TIMES.

11 OKAY.

12 WHATEVER.

13 AND IF YOU REMEMBER, WERE THERE ANY VEHICLES THAT, THAT
14 WERE ON THE STREET THAT HAD JUST GONE DOWN THE STREET
15 BEFORE?

16 I DON'T REMEMBER THAT.

17 DON'T REMEMBER.

18 YEAH.

19 OKAY.

20 ...AT ALL. THAT KIND OF, I WAS JUST WALKING DOWN THE
21 STREET LIKE I WOULD ANY DAY AND AS SOON AS I, THAT
22 CAUGHT MY ATTENTION, PRETTY MUCH HAD TUNNEL VISION YOU
23 KNOW.

24 RIGHT. AND I KNOW YOU, YOU MENTIONED THAT THE DEPUTY
25 IS STANDING OFF, OFF TO THE DRIVER'S SIDE OF THE, OF

1 THE, OF THE CAR, THE DOOR AREA. DID HE MOVE AT ALL
2 FROM WHAT YOU SAW OR WAS HE...

3 HE...

4 ...STANDING IN THAT SPOT?

5 ...HE TOOK HIS STANCE AND THEN HE, HE STEPPED BACK.

6 HE STEPPED BACK.

7 HE STEPPED BACK AND ESPECIALLY WHEN HE DID THE DON'T
8 MOVE THE CAR. THEN HE GOT INTO HIS STANCE, STARTED, HE
9 TOOK MAYBE TWO OR THREE STEPS BACK.

10 OKAY.

11 THEN WHEN THE CAR HAD MOVED, YOU KNOW, HE, LIKE I SAID,
12 HE JUST FOLLOWED HIS POSITION WITH THE CAR, STAYING
13 PARALLEL, THE CAR PULLS OUT AND HE CONTINUES DOWN THE
14 STREET.

15 OKAY.

16 AND THE CAR.

17 OKAY. AND DID HE RUN, I MEAN WAS, SO HE STAYED, WHEN
18 HE WAS SHOOTING, HE STAYED IN THAT POSITION? HE
19 STAYED...

20 YEAH AND I MEAN, I DON'T KNOW HOW MANY (UNCLEAR...)

21 AS FAR AS YOU CAN REMEMBER?

22 YEAH, HE STAYED IN THAT POSITION AND THEN HE JUST KEPT
23 FIRING. I THOUGHT, I MEAN I THOUGHT THE GUY WAS GONNA
24 DIE RIGHT THERE, 'CAUSE THERE WERE A FEW SHOTS FIRED
25

1 IN, DIRECTLY INTO THE CAR, BEFORE HE EVEN GOT TO GO
2 DOWN THE STREET.

3 OKAY.

4 AH AND THEN FIRED AT THE CAR AS IT WAS GOING DOWN THE
5 STREET. THAT WAS THE KIND OF STUFF THAT REALLY FREAKED
6 ME OUT IS THAT THERE WASN'T, DIDN'T SEEM TO BE ANY
7 AWARENESS OF WHAT WAS GOING ON PAST THAT CAR.

8 RIGHT.

9 SO THE OFFICER WENT INTO THAT FRAME OF MIND OF SHOOT
10 AND IT DIDN'T MATTER. I HAD TO DUCK.

11 RIGHT.

12 I HAD TO HIT THE GROUND AND IT WAS LIKE 180 DEGREE FAN
13 OF SHOOTING.

14 SO YOU HAD MENTIONED...

15 MAYBE THREE BEFORE HE PULLED OFF AND THEN TWO OR THREE
16 MORE AS HE DROVE DOWN THE STREET.

17 AND SO THESE WEREN'T, AND SO IN YOUR, AS, AS FAR AS YOU
18 REMEMBER, THESE WERE NOT SHOTS THAT WEREN'T IN
19 SUCCESSION, THESE WERE BOOM, BOOM, BOOM?

20 THE FIRST ONE WAS LIKE A BURST...

21 PAUSE BOOM, BOOM, BOOM.

22 ...LIKE BOOM, BOOM, BOOM AND THEN BOOM...BOOM...BOOM, MAYBE I
23 DON'T KNOW, MAYBE THREE, FOUR MORE.

24 OKAY.

25 SOMETHING LIKE THAT.

1 HOW LONG DO YOU, I MEAN HOW LONG DO YOU THINK THE SHOTS
2 WENT ON? LIKE HOW LONG DID IT SEEM LIKE TO YOU?

3 I MEAN AH I GUESS THAT WOULD BE A MATTER OF SECONDS,
4 BECAUSE IT WAS INSTANTANEOUS. AS SOON AS THE CAR
5 STARTED TO MOVE FORWARD, IT WAS POP, POP, POP, POP...POP...
6 POP. THAT'S WHAT I REMEMBER.

7 OKAY.

8 AND SO WHAT, TEN SECONDS.

9 OKAY.

10 FIFTEEN SECONDS.

11 OKAY. AHM...

12 IF THAT.

13 ..AND WHEN THE CAR'S PULLING OUT, YOU SAID YOU SAW THE,
14 THE TIRES TURN TO THE LEFT AND THE CAR COMES, COMES
15 OUT. IS IT, IS IT ACCELERATING OUT, IS IT COME...MOVING
16 OUT LIKE YOU KNOW SOMEBODY WOULD FROM A, FROM A, I KNOW
17 THIS MIGHT BE (UNCLEAR.)

18 IT WAS MORE CASUAL THAN I WOULD A BEEN MOVING OUT OF
19 THAT SPOT. I WOULD A PEELED OUT AND HE DIDN'T. AND
20 LIKE, HE JUST KIND OF LIKE, I, I IMAGINED THAT HE WAS
21 KIND OF IN THE OH SHIT MODE. LIKE AM I GONNA DO THIS
22 OR AM I NOT.

23 RIGHT.

24 HE JUST PULLED OUT LIKE AND DIDN'T EVEN, DIDN'T GO FAST
25 ENOUGH, IN MY OPINION. SO IT WAS...

1 [REDACTED] SO THE CAR WASN'T MOVING THAT FAST?

2 [REDACTED] NO, THERE WAS NOT ERRATIC BEHAVIOR OR ANYTHING LIKE
3 THAT.

4 [REDACTED] NO SCREECHY TIRES.

5 [REDACTED] IT TOOK FOREVER FOR ME BECAUSE I MEAN I HAD TO WAIT FOR
6 THE CAR TO PASS AND THEN THE OFFICER TO GET BY MY
7 SHOULDER BEFORE WOULD EVEN FELT COMFORTABLE GETTING UP.
8 RIGHT.

9 [REDACTED] SO.

10 [REDACTED] AH ALMOST DONE AHM OKAY SO YOU SEE, YOU, YOU HAD
11 MENTIONED THAT YOU WERE ON THE, IF WE'RE, IF WE'RE
12 WALKING TOWARDS AHM TERRACE DRIVE, YOU WERE ON, YOU
13 WERE ON THE EAST SIDEWALK BUT YOU WERE ON THE RIGHT
14 SIDE OF THE EAST SIDEWALK.

15 [REDACTED] YEAH.

16 [REDACTED] SO...

17 [REDACTED] YEAH.

18 [REDACTED] ...KINDA, KINDA CLOSER TO THE STREET.

19 [REDACTED] CLOSER TO THE STREET.

20 [REDACTED] AND YOU SEE THE, YOU SEE THIS TAKE PLACE. AT WHAT
21 POINT DID YOU START MOVING OVER TO THE, THE AREA WHERE
22 YOU SHOWED US THAT YOU GOT DOWN ON THE GROUND?

23 [REDACTED] WELL AT FIRST IT KIND A CAUGHT MY ATTENTION SO I WOULD
24 A BEEN MOVING CLOSER TO THE STREET TO SEE WHAT WAS
25 GOING, ON AND WHEN THE OFFICER YOU KNOW I, I SAW IT,

1 WELL IT HAPPENED REALLY FAST BUT LIKE WHEN THE OFFICER
2 DREW HIS GUN, AND THEN THERE WAS THE POINT WHERE HE
3 SAID DON'T MOVE THE CAR. AND THE REASON THAT POINT'S
4 SO EASY FOR ME TO REMEMBER IS BECAUSE I, THAT WAS WHEN
5 I KNEW I WAS IN TROUBLE KIND OF. IF THE GUY MOVED HIS
6 CAR, IT WAS LIKE OH SHIT, HE'S GONNA SHOOT HIM.

7 MM MM.

8 AND AT PROBABLY ALL IN THAT MOTION LIKE LOOK WHAT'S
9 GOING ON, DON'T MOVE THE CAR, SEE THE WHEELS TURN AND
10 THEN START. AS SOON AS I SAW THE WHEELS TURN, YOU KNOW
11 HE GOT IN THAT MODE AND I WOULD HAVE STARTED MOVING
12 PROBABLY TOWARDS THE GRASS AT THAT POINT AND TIME.

13 OKAY SO...

14 SO.

15 WHEN YOU, WHEN YOU STARTED MOVING TOWARDS THE GRASS,
16 HAD THE SHOTS GONE OFF?

17 IT, SOMEWHERE IN THE MIDDLE OF THAT.

18 SOMEWHERE SO YOU...

19 YEAH, I JUST...

20 ...STARTED MOVING TOWARD THE GRASS...

21 ...TOOK OFF KIND A WHERE I WAS...

22 ...THEN THE SHOTS, THEN THE SHOTS STARTED GOING OFF.

23 YEAH.

24 OKAY. AND SO IT'S...

1 I MEAN IT BO...I WOULD A HIT THE GROUND ALMOST AS SOON AS
2 THE FIRST SHOT GOT FIRED.

3 OKAY.

4 I REMEMBER IT BEING...I WAS TOO SCARED TO EVEN LOOK. I
5 JUST TURNED MY HEAD AND JUST HOPED I DIDN'T CATCH A
6 STRAY.

7 RIGHT. SO...

8 OR A RICOCHET.

9 ...SO THAT'S, THAT'S PART OF MY, THAT'S KIND A MY BIG
10 QUESTION, KIND A MY BIG REASON FOR BEING HERE BECAUSE
11 WHEN WE WENT DOWN AND WE LOOKED AT THAT, THERE'S
12 OBVIOUSLY THERE'S THAT BIG SIGN THAT'S...

13 YEAH.

14 ...THAT'S DOWN THERE. AHM AND I'M NOT DOUBTING WHAT
15 YOU'RE SAYING...

16 SURE.

17 ...AHM BUT WHEN, WHEN I, WHEN I LISTENED TO YOUR
18 INTERVIEW, YOU INTERJECTED THE WORD FEEL A LOT.

19 SURE.

20 AS OPPOSED TO, 'CAUSE I KNOW IT'S AN EMOTIONAL EVENT
21 AND I'M NOT...

22 YEAH.

23 ...I'M NOT BUSTING ON YOU FOR DOING THAT.

24 NO, I UNDERSTAND.

25 I'M JUST TRYING TO UNDERSTAND WHAT YOU SAW.

1 [REDACTED] YEAH.

2 [REDACTED] 'CAUSE THERE'S, 'CAUSE A LOT OF TIMES WE, WHEN WE'RE
3 RECALLING THINGS, WE PUT, WE PUT WHAT WE, WHAT WE LEARN
4 AT A LATER TIME AND WE TRY TO MAKE A STORY OUT OF IT.
5 IT'S, THAT'S A VERY NORMAL THING. SO THAT'S...

6 [REDACTED] WHAT'S IT...

7 [REDACTED] ...WHY I'M ASKING...

8 [REDACTED] ...YOU KNOW...

9 [REDACTED] ...YOU SPECIFIC QUESTIONS ABOUT WHAT YOU SAW.

10 [REDACTED] ...WHAT'S IMPORTANT FOR ME IS, IS THAT FIRST OF ALL I'M A
11 STRAIGHT SHOOTER, A MAN OF FAITH, FAMILY MAN AND ALSO
12 YOU KNOW [REDACTED], [REDACTED] [REDACTED]. ALL THESE
13 DIFFERENT THINGS SO I CAN UNDERSTAND, ESPECIALLY, YOU
14 HAVE THE IMPORTANCE OF WORDS AND WHAT YOU REMEMBER...

15 [REDACTED] RIGHT.

16 [REDACTED] ...LITERALLY AND WHAT YOU THINK YOU REMEMBER.

17 [REDACTED] RIGHT.

18 [REDACTED] SO I CAME IN AND WROTE DOWN EVERYTHING WITHIN AN HOUR
19 OF SEEING IT, WITHOUT TALKING TO ANYBODY.

20 [REDACTED] RIGHT.

21 [REDACTED] AND THAT WAS WHAT I SAW. I MEAN AND I TOLD THE STORY
22 SO MANY TIMES THAT IT ALMOST BECAME SCRIPTED. THERE'S
23 LITTLE BITS AND PIECES WHERE IT MIGHT BE LIKE OKAY NOW
24 IT'S STARTING TO GET VAGUE AND I'D HAVE TO GO BACK AND
25 READ THE JOURNAL ENTRY AND TELL YOU THAT WAS IT. BUT I

1 MEAN BASICALLY, WALKING DOWN THE STEET, SE...SEE THAT
2 THERE'S A COP CAR PARKED IN THE MIDDLE, COP'S GETTING
3 OUT YOU KNOW, AND THEN THERE'S THE EXCHANGE AND I
4 WATCHED THE WHEELS TURN. IT WAS THE MOMENT WHEN HE
5 SAID YOU KNOW DON'T MOVE THE CAR THAT I KNEW I SHOULD
6 PROBABLY START PAYING ATTENTION TO WHAT'S GOING ON WITH
7 ME.

8 ■■■ MM MM.

9 ■■■ HIT THE GROUND AND YOU KNOW WATCH THE...I SAW THE CAR
10 PULL OUT PROBABLY I WAS GOING TO THE GROUND BEFORE IT
11 FULLY PASSED ME.

12 ■■■ OKAY.

13 ■■■ YOU KNOW AND IT'S, KEPT MY HEAD TURNED THIS WAY AND
14 UNTIL ABOUT THE TIME THAT THE COP WAS, I GUESS THAT
15 WOULD BE ALMOST LIKE A HALF A BLOCK 'TIL HE WAS, AND I
16 COULD SEE THAT HE HAD DONE, HE WAS DONE FIRING. AND
17 THAT WAS IT. I MEAN SO I MEAN USING, I KNOW WHAT I
18 SAW, I'VE LIVED IN A LOT OF BAD NEIGHBORHOODS. I'VE
19 LIVED IN ■■■ I LIVED IN ■■■ AND I'VE LIVED
20 IN ■■■. IT WAS...THE BEST I COULD SAY IS IT
21 WAS JUST RASH JUDGMENT. THERE WAS, THERE DOESN'T NEED
22 TO BE ANY FEELING INVOLVED. IF YOU WOULD HAVE BEEN
23 THERE, YOU WOULD HAVE BEEN LIKE, MAN, WHAT WERE YOU
24 THINKING? AND I BELIEVE THAT. I BELIEVE ANYBODY
25 THAT'S JUST WOULD KNOW THAT THERE SHOULD HAVE MAYBE

1 BEEN SOME PRECAUTIONS FIRST. THERE WERE A MILLION
2 OTHER OPTIONS THAT HE HAD BUT HE ONLY SAW ONE.

3 OKY.

4 THAT'S...AND IT WAS UNNECESSARY. AND, AND I COULDN'T
5 BELIEVE THAT, I MEAN, THAT I WAS WITNESSING IT. I
6 COULDN'T BELIEVE THAT I ALMOST DIDN'T COME HOME THAT
7 DAY. YOU KNOW IT WAS...

8 RIGHT.

9 ..AND COMING IN, I KNEW THAT IMMEDIATELY THAT I HAD
10 BEING, SEEING EVERYTHING I SAW, I HAD TO DOCUMENT. I
11 HAD TO TAKE THE...

12 NO, AND THAT'S FINE...

13 ..NECESSARY STEPS.

14 ..AND THAT'S, THAT'S WHY WE'RE...

15 SO.

16 ...THAT'S WHY WE'RE HERE.

17 AND I TRY NOT TO ADD ANYTHING TO IT. IF I DON'T KNOW,
18 THEN OR IF I SAY THAT'S PART WISHY-WASHY OR YOU KNOW I
19 CAN'T TELL YOU EXACTLY HOW LONG IT TOOK ME TO GET FROM
20 THE RIGHT HAND SIDE OF THE SIDEWALK TO GRASS BECAUSE IT
21 WAS ALL YOU KNOW JUST LIKE SAYING WITH THE SECONDS. IT
22 WAS IN AH IN 15 SECONDS THERE WAS SIX OR SEVEN BULLETS
23 FIRED INTO A CAR. YOU KNOW.

24 WELL IS IT FAIR TO SAY THAT YOU DIDN'T SEE THE DEPUTY
25 COMPLETELY AIM EVERY SHOT? IS THAT FAIR TO SAY?

1 ■ NO.

2 ■ YOU, SO YOU SAW...

3 ■ HE AIMED EVERY SHOT, HE WAS SHOOT...AH HE WAS SHOOTING TO
4 KILL. HE WAS SHOOTING AT THE DRIVER, INTO THE DRIVER'S
5 SIDE WINDOW, AND THEN WHEN THE DRIVER WAS DRIVING AWAY
6 IT...AT LEAST TWO OR THREE SHOTS WENT INTO THE BACK OF
7 THE CAR AT THE CAR.

8 ■ RIGHT. RIGHT.

9 ■ SO...

10 ■ ...I UNDER...

11 ■ ...IF YOU'RE FIRING DOWN THE STREET, I MEAN SO...

12 ■ RIGHT, I UNDERSTAND THAT BUT, BUT, WHAT I, WHAT I'M,
13 I'M TR...WHAT I WANT A UNDERSTAND WHERE YOU'RE COMING
14 FROM HERE.

15 ■ SURE.

16 ■ IF YOU WENT DOWN AND YOU LIKE WENT TO THE GROUND AND
17 YOU WERE AT THAT POSITION, HOW COULD YOU HAVE POSSIBLY
18 SEEN...

19 ■ BUT IF YOU'RE ASKING IF I S...VISUALLY SEEN EVERY SHOT
20 FIRED, THEN I CAN'T SAY THAT WITH A HUNDRED PERCENT
21 ACCURACY...

22 ■ OKAY.

23 ■ ...'CAUSE I DID, I DID HIT THE GROUND WHILE THE SHOTS
24 WERE FIRED...

25 ■ OKAY.

1 ■ ...AFTER THE FIRST BURST YOU KNOW OR DURING THE FIRST
2 BURST BUT...

3 ■ WHAT IS IT THAT MAKES YOU THINK THE DEPUTY WAS SHOOTING
4 DOWN THE STREET OR IN YOUR GENERAL DIRECTION? WAS IT...
5 ■ BECAUSE I DID TURN MY HEAD FOR THE, THERE WAS STILL ONE
6 OR TWO SHOTS FIRED WHEN I TURNED MY HEAD AND THE CAR
7 WAS GOING THIS WAY AND I COULD SEE THE CAR WAS GONE,
8 THE DEPUTY WAS UP HERE IN MY VISION.

9 ■ OKAY.

10 ■ SO...

11 ■ AND HE WAS STILL FIRING?

12 ■ HE AH THERE WAS THE FIRST THREE BURSTS AND THEN THERE
13 WAS ONE, TWO, THREE AS THE CAR DROVE AWAY OR SOMETHING
14 TO THAT EFFECT.

15 ■ AND WHAT WOULD YOU ESTIMATE THE DISTANCE BETWEEN THE
16 CAR AND THE DEPUTY AT THAT POINT, WHEN THE, WHEN THE
17 LAST SHOT WAS FIRED, OR THE LAST SHOT THAT YOU SAW WAS
18 FIRED?

19 ■ BETWEEN THIS, WELL, YEAH, I MEAN IT'D BE BEFORE THE
20 SECOND DRIVEWAY. THERE, THERE'S TWO DRIVEWAYS TO GET
21 INTO THE PARKING LOT HERE. THERE'S ONE RIGHT BEHIND US
22 AND THEN...

23 ■ WOULD YOU SAY THE DISANCE IS BIGGER THAN THIS ROOM
24 BETWEEN THE DEPUTY AND THE END OF THE CAR WHEN THE LAST
25 SHOT IS FIRED?

1 I DON'T KNOW, I DON'T KNOW.

2 YOU DON'T KNOW?

3 NO.

4 OKAY, WELL, THAT'S FAIR ENOUGH. AHM...

5 IT WOULD A BEEN, IF YOU COULD LOOK OUT THERE RIGHT NOW,
6 THE INCIDENT HAPPENED IN FRONT HERE SO SURE, MAYBE THE
7 CAR WAS PROBABLY PAST, GOING PAST THE HOUSE...

8 OKAY.

9 ...AT THE POINT THAT THE LAST FEW SHOTS WERE FIRED. HE
10 WASN'T FIRING WHEN THE CAR WAS ALMOST TO THE, TO THE
11 TRAFFIC STOP.

12 OKAY.

13 TO THE INTERSECTION.

14 OKAY.

15 IT, I MEAN IT WASN'T LIKE THAT. IT, THEY WERE
16 INSTANTANEOUS SO YOU KNOW SAY WHO LEFT'S GOING TEN TO
17 20 MILES AN HOUR, AND THAT DISTANCE FROM POP, POP, POP
18 TO POP...POP...POP YOU KNOW JUST TRYING TO GET THOSE LAST
19 COUPLE IN...

20 AND YOU...

21 ...AS HE PULLED AWAY GOING...

22 ...AND HOW MANY ROUNDS DO YOU THINK WERE FIRED?

23 I ORIGINALLY SAID, I THINK IT WAS EIGHT TO TEN, AND BUT
24 WHEN I HEAR IT IN MY HEAD, I'M SAYING LIKE I DON'T KNOW
25 SIX TO EIGHT.

1 [REDACTED] OKAY. OKAY. I THINK THAT'S ALL I GOT FOR YOU. THANKS
2 FOR YOUR TIME.

3 [REDACTED] SURE.
4
5
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1 PEOPLE V. CHAKA GRAYSON - NOVATO CASE #NP13003957/NP13003983

2 INTERVIEW OF EVAN KUBOTA ON JULY 8, 2013

3
4 [REDACTED] - DETECTIVE [REDACTED] NOVATO POLICE DEPARTMENT

5 [REDACTED] - DETECTIVE [REDACTED] NOVATO POLICE DEPARTMENT

6 [REDACTED] - [REDACTED]

7 [REDACTED] - [REDACTED]

8 EK - EVAN KUBOTA, DEPUTY MARIN COUNTY SHERIFF'S OFFICE

9 =====

10 [REDACTED]: ... IT'S LIKE FINE. SO THAT'S WHY I WAS GRABBIN' ...

11?: RIGHT.

12 [REDACTED] OKAY.

13?: YOU HAVE _____ SOMETHIN'.

14 [REDACTED] IT IS, UH, JULY EIGHTH AT, UH, THREE FORTY-FIVE. I'M
15 DETECTIVE [REDACTED] NOVATO POLICE DEPARTMENT.

16 [REDACTED] DETECTIVE [REDACTED], NOVATO POLICE DEPARTMENT.

17 [REDACTED] [REDACTED] [REDACTED].

18 [REDACTED]: [REDACTED]

19 EK: UH, DEPUTY EVAN KUBOTA, MARIN COUNTY SHERIFF'S OFFICE.

20 [REDACTED] VERY GOOD. SO WHAT I'M GONNA DO IS I'M JUST GONNA GET A
21 BASIC COUPLE LITTLE, UH, PIECES OF INFORMATION FROM YOU
22 EVAN.

23 EK: SURE.

24 [REDACTED] UM, SO SPELL YOUR LAST NAME.

25 EK: K-U-B-O-T-A.

26 [REDACTED] EVAN, E-V-A-N?

27 EK: YES.

28 [REDACTED] AND YOUR DATE OF BIRTH?

1 EK: [REDACTED] [REDACTED] [REDACTED].
2 [REDACTED]: AND WHAT'S THE ADDRESS OF THE SHERIFF'S DEPARTMENT?
3 EK: UH, THIRTY-FIVE O ONE CIVIC CENTER DRIVE, ROOM ONE FORTY-
4 FIVE. THAT'S IN SAN RAFAEL, NINE, FOUR, NINE, ZERO,
5 THREE.
6 [REDACTED] AND THE WORK PHONE NUMBER THERE?
7 EK: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED].
9 [REDACTED] AND [REDACTED] [REDACTED] WITH ME. BRAND NEW
10 EARPIECE. NOT USED TO IT. UM, AGAIN, UM, OKAY AND, UH,
11 YOU ARE A PATROL DEPUTY.
12 EK: YES.
13 [REDACTED]: AND WHAT'S YOUR DATES AND SHIFT HOURS?
14 EK: I WORK, UH, WHAT'S CALLED, UH, [REDACTED]. SO IT'S [REDACTED]
15 [REDACTED] [REDACTED], AND EVERY OTHER [REDACTED] FROM [REDACTED]
16 [REDACTED] TO [REDACTED] [REDACTED]
17 [REDACTED]: EVERY OTHER [REDACTED]
18 EK: YES.
19 [REDACTED]: OKAY, AND DO YOU KNOW, OR WHAT'S, WHAT, UH, AREA OF, UH,
20 THE COUNTY DO YOU NORMALLY WORK?
21 EK: I WORK OUT OF THE, UH, SOUTHERN SUB-STATION, THE MARIN
22 CITY SUB-STATION.
23 [REDACTED]: OKAY. VERY GOOD. SO YOU WERE WORKING YESTERDAY.
24 EK: YES.
25 [REDACTED] AND WHAT TIME DID YOU START WORK YESTERDAY?
26 EK: UH, YESTERDAY I ACTUALLY CAME IN TWO HOURS EARLY, UH, TO
27 RELIEVE ONE OF MY, UH, PARTNERS. UH, HE HAD A VACATION
28 PLANNED. SO I CAME IN AT, UH, FIVE O'CLOCK, UH, P-M.

1 [REDACTED] OKAY. AND YOU WERE WEARIN' FULL UNIFORM?

2 EK: UH, YES OUR, I GUESS IT'S OUR CLASS B UNIFORM.

3 [REDACTED] JACKET, NO HAT, BUT, UH, SHORT-SLEEVE
4 SHERIFF'S PATROL UNIFORM.

5 [REDACTED] AND YOU WERE DRIVING A MARKED SHERIFF'S ...

6 EK: UH, MARKED SHERIFF'S VEHICLE. I BELIEVE IT WAS [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED]

9 EK: [REDACTED] [REDACTED] IT'S A CROWN VICTORIA.

10 [REDACTED] OKAY. SO I THINK WHAT WE'D LIKE YOU TO DO IS GO AHEAD
11 AND JUST TELL US FROM START TO FINISH WHAT HAPPENED. AND
12 I'M GONNA TAKE NOTES EVEN THOUGH WE'RE RECORDING JUST FOR
13 MY THING, SO IF I ASK YOU TO SLOW DOWN IT'S JUST BECAUSE
14 MY HAND'S SLOWER THAN, THAN YOUR VOICE IS GONNA BE.

15 EK: OKAY. UM, I THINK THE BEST WAY TO START IS, UH, FROM THE
16 BEGINNING OF MY SHIFT. UH, SO LIKE I SAID I CAME ON JUST
17 ABOUT FIVE O'CLOCK. A LITTLE BIT EARLIER PROBABLY, A
18 COUPLE MINUTES EARLIER. UM, MY PARTNERS, UH, DEPUTY
19 [REDACTED] UH, DEPUTY [REDACTED] AND HIS, UH,
20 TRAINEE, WHO IS AN F-T-O, UH, DEPUTY [REDACTED] UH, WERE
21 AT THE SUB-STATION AT THE TIME I CAME ON. UH, WE BRIEFLY
22 JUST, UH, CHATTED ABOUT OUR WEEKENDS AND EXCHANGED
23 PLEASANTRIES. UH, NO WORK TALK THERE. UM, DEPUTY
24 [REDACTED] AND HIS TRAINEE, UH, WENT OUT TO GO WORK PATROL.
25 UH, AND, UH, DEPUTY [REDACTED] AND I DID THE SAME. DEPUTY
26 [REDACTED] WENT OUT THE FRONT AND I LEFT OUT THE BACK. UM,
27 BEGAN MY DAY JUST KINDA LIKE I USUALLY DO, DRIVIN'
28 AROUND, UM, SEEIN', UH, WHAT KIND OF CROWDS WERE OUT AND

1 ABOUT. UM, JUST GETTIN' A, YOU KNOW, KIND OF A FEEL FOR
2 HOW THE NIGHT WAS STARTIN' OFF. UM, SO I DROVE, UH,
3 MAINLY JUST PATROLLING AROUND MARIN CITY. UM, I WAS
4 LOGGED ON AS, UH, [REDACTED] [REDACTED] WHICH IS USUALLY OUR
5 COVER SHIFT. UM, [REDACTED] DESIGNATES OUR [REDACTED] SHIFT BUT,
6 UH, I LOG ON AS A [REDACTED] UNIT 'CAUSE I WAS GONNA BE THERE
7 THAT NIGHT. AND THE TRAINING UNIT, UH, GENERALLY TAKES,
8 UH, THE [REDACTED] CALL SIGN, WHICH IS THE PRIMARY UNIT IN
9 MARIN CITY. UH, SINCE THEY'RE THE TRAINING UNIT THEY
10 USUALLY TAKE THAT 'CAUSE IT'S THE BUSIEST FOR CALLS. UM,
11 SO I WAS PATROLLING, UH, AROUND MARIN CITY BASICALLY JUST
12 DRIVIN' AROUND, UH, SEEIN' WHO WAS OUT AND ABOUT. UH,
13 RUNNIN' LICENSE PLATES AND CHECKIN' CARS AND KNOWN
14 HANGOUTS AND THINGS LIKE THAT. UH, DURING THAT KIND OF
15 ROUTINE PATROL, UM, I DID SEE THE PERSON WHO WOULD LATER
16 BE THE SUSPECT, UH, IN THE INCIDENT, UH, CHAKA GRAYSON,
17 STANDING, UH, IN THE ENTRYWAY FROM THE TWO HUNDRED
18 PARKING LOT, TWO HUNDRED DRAKE AVENUE INTO THE COURTYARD
19 OF THE TWO HUNDRED LOT. I SAW HIM STANDING THERE. UH,
20 OTHER SUBJECTS IN THE AREA THAT I DIDN'T RECOGNIZE BY
21 NAME. UM, I KNOW THAT MISTER GRAYSON'S ON PAROLE. I'VE
22 HAD VERY LIMITED CONTACT WITH HIM. I BELIEVE I'VE ONLY
23 BEEN ON ONE CALL WHERE HE WAS THERE AND IT WAS A CIVIL,
24 CIVIL DISTURBANCE. UM, SEEN HIM THERE. NOTHIN'
25 SUSPICIOUS, UH, IN HIS ACTIVITIES OR ANYTHING LIKE THAT.
26 UH, I KNOW HE LOOKED AT ME. UM, AND WHETHER IT WAS AT
27 THE VEHICLE OR ME SPECIFICALLY, I DON'T KNOW. UH, I
28 DIDN'T GET OUT AND THERE WAS NO OTHER CONTACT WITH HIM.

1 I JUST DROVE TO THE PARKING LOT AT, UH, AT A NORMAL PACE.
2 UM, CONTINUED PATROLLING, UH, DRIVIN' THROUGH MARIN CITY,
3 RUNNIN' LICENSE PLATES, UH, LOOKIN' FOR ANYBODY THAT
4 MIGHT BE UP TO NO GOOD. DID STOP AND REVIEW SOME REPORTS
5 IN MY VEHICLE FROM THE WEEKEND JUST TO CATCH UP ON WHAT
6 HAD HAPPENED ON MY DAYS OFF. YESTERDAY WAS MY FIRST DAY
7 BACK. UH, I CONDUCTED A TRAFFIC STOP ON A GREEN SUBURBAN
8 THAT I HAD SEEN, UH, LEAVING MARIN CITY. UM, CONDUCTED A
9 TRAFFIC STOP ON THAT VEHICLE. IT DROVE UNDER THE FREEWAY
10 TO WHAT'S KNOWN AS THE, EITHER GATE SI-, THE GATE'S CO-
11 OP, UH, PARKING LOT OR THE BAIT SHOP THERE. IT'S A
12 LITTLE MINI MART. DROVE UNDER THE FREEWAY AND STOPPED.
13 IT WAS FOR A VEHICLE CODE VIOLATION OF A RIGHT TAILLIGHT
14 THAT WAS BURNT OUT. CONTACTED FOUR SUBJECTS INSIDE. UH,
15 A SECOND UNIT, THE TRAINING UNIT, RESPONDED. UH, THEY
16 HAD BEEN PARKED IN THE PARKING LOT OF THE BAIT SHOP, SO
17 THEY WERE _____ SIDE OF ME. UH, THEY
18 RESPONDED TO THE SCENE. DEPUTY [REDACTED] ASSISTED WITH MY
19 TRAFFIC STOP BY RUNNING OUT ONE OF THE PASSENGERS. UM,
20 AND, UH, I RELEASED THEM FROM THE SCENE WITH A WARNING
21 THAT NO OTHER REASON TO, TO SEARCH THE VEHICLE. ONE OF
22 THE SUBJECTS IS A KNOWN GANG MEMBER BUT I GAVE THE DRIVER
23 A WARNING. SHE SAID SHE WAS AWARE OF THE MALFUNCTION AND
24 IT WAS A SHORT IN THE S-, IN THE SYSTEM SHE WAS TRYING TO
25 FIX. UH, SO THEY WERE RELEASED FROM THE SCENE. UH, AT
26 THAT TIME DEPUTY [REDACTED] TOLD ME THAT, UH, CHAKA
27 GRAYSON, UH, WHO WOULD AGAIN BE THE PERSON IN THE
28 INCIDENT LATER, HIS VEHICLE OR VEHICLE HE WAS KNOWN TO

1 ASSOCIATE WITH HAD BEEN PARKED IN THE BAIT SHOP, UH,
2 PARKING LOT UNOCCUPIED AND THAT HIM AND DEPUTY [REDACTED]
3 KNOWING THAT, UH, CHAKA WAS, UM, SUSPENDED AND FREQUENTLY
4 DROVE THE VEHICLE, HAD BEEN PARKED THERE TO SEE IF HE
5 CAME OUT AND GOT IN THE VEHICLE AND DROVE AWAY. UM ...
6 [REDACTED]: UH, JUST REAL QUICK. WAS, WHEN YOU, YOU MADE THE TRAFFIC
7 STOP AT THE BAIT SHOP. WAS GRAYSON'S CAR AT THE BAIT
8 SHOP WHEN YOU MADE THE TRAFFIC STOP OR WAS THERE
9 PREVIOUSLY?
10 EK: UH, IT, IT MAY HAVE BEEN THERE. WHERE I MADE THE STOP
11 WAS THERE'S A BASICALLY AN ENTRY DRIVE, DRIVEWAY. WHEN
12 YOU CROSS, UH, BRIDGEWAY BOULEVARD AND THERE IS ALL THE
13 BOAT DOCKS AND THE BAIT SHOP'S ACTUALLY, IT'S AN ISOLATED
14 PARKING LOT. YOU HAVE TO GO INTO THE PARKING LOT WITH
15 THE HOUSEBOATS AND YOU DRIVE AROUND TO GET INTO THAT
16 PARKING LOT SO, UH, IT'S MY BELIEF THAT IT WAS THERE
17 BECAUSE THAT'S WHAT THEY SAID THEY WERE PARKED THERE FOR
18 WHEN I SAID THEY WERE IN EYESIGHT. I COULD SEE THEM IN
19 THE PARKING LOT.
20 [REDACTED]: OKAY.
21 EK: UH, I WASN'T FAMILIAR WITH ...
22 [REDACTED]: BUT YOU DID NOT SEE THE VEHI-, HIS VEHICLE?
23 EK: I'M NOT FAMILIAR ...
24 [REDACTED]: _____ AFFILIATED WITH.
25 EK: ... WITH IT ANYWAYS.
26 [REDACTED]: OKAY.
27 EK: UM, BUT I DID NOT, I DON'T RECALL SEEING IT THERE. UH,
28 AND, UM, BUT DEPUTY [REDACTED] TOLD ME THAT THE VEHICLE

1 THAT HE WAS KNOWN TO DRIVE, AND I DON'T KNOW IF HE GOT
2 THE INFORMATION FROM, UH, F-T-O [REDACTED] OR IF HE HAD IT
3 ON HIS OWN. UH, WAS PARKED THERE AND THEY HAD BEEN
4 WAITING, KNOWING THAT HE WAS ON PAROLE AND ALSO THAT HE
5 HAD A SUSPENDED LICENSE. UM, SO THEY HAD BEEN WAITING
6 FOR HIM.

7 [REDACTED] OKAY.

8 EK: UH, AFTER CLEARING THE STOP THE TRAINING UNIT LEFT THE
9 PARKING LOT ONTO NORTHBOUND ONE O ONE. UM, THEY, UH,
10 CONDUCTED, ALMOST IMMEDIATELY CONDUCTED A TRAFFIC STOP AT
11 THE SHORELINE OFF-RAMP, UH, THE NEXT OFF-RAMP OFF THE
12 FREEWAY. YOU CAN SEE ONE FROM THE OTHER. UM, I
13 RESPONDED TO COVER THEM FROM MY TRAFFIC STOP. UH, AND SO
14 I LEFT THE AREA. UH, THEY CANCELLED ME WHILE I WAS EN
15 ROUTE EVEN THOUGH I HAD VISUAL CONTACT WITH THEM AND I
16 DROVE BACK INTO MARIN CITY AND CONTINUED, UH, CONTINUED
17 PATROLLING THE AREA. UM, AGAIN JUST RUNNIN' LICENSE
18 PLATES, UH, LOOKIN' FOR PEOPLE WHO WERE OUT AND ABOUT. I
19 DID SEE, UH, THE VEHICLE THAT I HAD STOPPED PREVIOUSLY
20 PARKED AT THE TOP OF, UH, FORTY-NINE COLE DRIVE. UH, THE
21 SUBJECTS WERE THERE, GETTIN' OUT OF THE VEHICLE.
22 OBVIOUSLY THEY JUST HAD CONTACT WITH ME SO I'M SURE THEY
23 WERE AWARE THAT IT WAS ME AGAIN. (LAUGHS)

24 [REDACTED] (CHUCKLES)

25 EK: UM, BUT THAT'S A FREQUENT GANG HANG OUT. WE MADE A
26 RECENT ARREST THERE. HAVE A LOTTA GANG GRAFFITI, SO.

27 [REDACTED]: AND YOU SAID, "HANG OUT," "HANG OUT." WHICH GANG HANGS
28 OUT THERE?

1 EK: UH, THE TWO HUNDRED BLOCK YOUNG HAWGS AND, UH, UH, WE
2 HAVE PRETTY SOLID BELIEFS, UH, I ACTUALLY MADE RECENT
3 ARRESTS BUT THERE, UH, SOME PEOPLE ARE DEALING DRUGS OUT
4 OF, UH, THE LAUNDROMAT AREA THERE. SO THAT'S WHY I WAS
5 PATROLLING THAT SPECIFIC AREA, ALTHOUGH I CONTINUED
6 DRIVING THROUGH ALL THE OTHER HIGH RISE BUILDINGS ON COLE
7 DRIVE, UH, JUST SEEING WHO WAS OUT AND ABOUT. UH, AND SO
8 I, I CONTINUED MY PATROL AND ENDED UP ON DONAHUE, UH,
9 DRIVE THAT, UH, IT WAS THE ROAD THAT FRONTS, B-,
10 BASICALLY SEPARATES THE SHOPPING CENTER. IT, IT
11 COMPLETELY SURROUNDS THE SHOPPING CENTER AND EVERYTHING
12 TO THE SOUTH AND EAST AND WEST ARE RESIDENCES IN MARIN
13 CITY. UH, WHEREAS THE NORTH SIDE IS THE SHOPPING CENTER.
14 UH, DRIVING DOWN, UH, DONAHUE, UH, I MADE A LEFT TURN
15 ONTO TERNERS DRIVE. UH, AS I TURNED ONTO TERNERS DRIVE,
16 INITIALLY THERE WERE NO VEHICLES ON THE ROADWAY. UH, I
17 SAW A GOLD BUICK SEDAN, UH, IT WAS WHAT IT APPEARED TO
18 BE AT THE TIME. MAKE A RIGHT TURN, UH, SO IT WAS HEADED
19 WESTBOUND ON TERRACE DRIVE, UH, AND MADE A RIGHT TURN AT
20 THE THREE-WAY INTERSECTION ONTO TERNERS DRIVE. AS I
21 CONTIN-...

22 [REDACTED] UH, JUST HOLD ON HERE. JUST SO I GET MY BEARINGS
23 STRAIGHT. SO TERRACE IS UP ABO-, SO YOU HAVE A DONAHUE.

24 EK: MM-MMM.

25 [REDACTED] TERNERS, AND THEN UP TOWARDS THE HILL WOULD THAT BE
26 TERRACE DRIVE?

27 EK: YES.

28 [REDACTED] OKAY.

1 EK: SO TERRACE IS THE SOUTHERN MOST ROADWAY.
2 [REDACTED] OKAY.
3 EK: UH, DONAHUE IS THE NORTHERN MOST ROADWAY AND TERNERS
4 CONNECTS THE TWO.
5 [REDACTED] OKAY.
6 EK: UH, TERNERS DEAD ENDS AT DONAHUE AND IT DEAD ENDS AT
7 TERRACE SO IT'S ALMOST LIKE AN I.
8 [REDACTED] OKAY.
9 EK: UM, UH, SO I SAW A GOLD BUICK MAKE A RIGHT TURN, UH, FROM
10 TERRACE ONTO TERNERS. UH, NOT FAMILIAR WITH THE VEHICLE
11 FROM ANY PREVIOUS CONTACTS, ALTHOUGH I'M SURE AT SOME
12 TIME IN MY CAREER I'VE RUN IT IF IT'S FROM MARIN CITY
13 BECAUSE I RUN LOTS OF LICENSE PLATES. IMMEDIATELY UPON
14 MAKING THE RIGHT TURN AS IT BEGAN TRAVELLING DOWN AND I
15 CONTINUE TRAVELLING UP TERNERS, UH, THE VEHICLE MADE AN
16 ABRUPT VERY DISTINCT AND DRASTIC RIGHT TURN TO THE CURB,
17 UH, BEHIND A SILVER SEDAN. UM, AT THAT TIME I WAS
18 PROBABLY A HUNDRED YARDS AWAY FROM THE VEHICLE. UM, AT
19 THAT TIME I BELIEVED THERE WAS ONLY A SOLO DRIVER THAT I
20 HAD SEEN, UH, AND THE VEHICLE MADE A, AGAIN A VERY ABRUPT
21 AND DISTINCT TURN TO PARK BEHIND, UH, THE SILVER SEDAN ON
22 THE SIDEWALK OR, UH, ON THE CURB. THAT SPECIFIC AREA,
23 UM, BASICALLY TERRACE DRIVE HAS HOUSES ON BOTH SIDES AND
24 TERNERS DRIVE ALSO HAS HOUSES ON BOTH SIDES, BUT THERE IS
25 A MEDIAN BETWEEN THE HOUSES ON TERRACE AND THE APARTMENT
26 BUILDINGS ON TERNERS. A MEDIAN OF GRASS. THERE'S A OPEN
27 AREA. UM, ON ONE SIDE IT'S JUST AN OPEN FIELD. LOWER
28 //

1 DOWN THERE'S SOME BASKETBALL COURTS. ON THE OTHER SIDE
2 THERE'S MORE OPEN FIELD ON A PLAYGROUND.

3 [REDACTED] OKAY.

4 EK: SO THERE'S NO HOUSES IN THAT SPECIFIC AREA. IT'S
5 PROBABLY SEVENTY-FIVE YARDS, UH, BETWEEN ONE SET OF
6 HOUSING AND THE OTHER, AND THE _____ THAT OPEN
7 FIELD. AND THE OPEN FIELD ITSELF IS VERY LARGE.

8 [REDACTED] OKAY.

9 EK: UH, SO THE MOVEMENT THAT THE VEHICLE MADE WAS IMMEDIATELY
10 SUSPICIOUS TO ME. THE AREA THAT IT MADE IT IN WAS ALSO
11 SUSPICIOUS BECAUSE, UNLESS IT'S A RESIDENT, THERE'S NOT A
12 REAL REASON TO PARK THERE AND GENERALLY VEHICLES THAT ARE
13 PARKED THERE ARE VEHICLES THAT PEOPLE PARK THERE FOR A
14 LONG TIME. THAT THEY DON'T WANT 'EM IN DRIVEWAYS OR IN
15 THEIR RESERVED PARKING SPOTS. UH, SO IT CAUGHT MY
16 ATTENTION, UM, AND I WAS NOT IN ANY LOCATION WHERE I
17 COULD SEE A LICENSE PLATE, UH, OR ANYTHING LIKE THAT. AS
18 I CONTINUED DRIVING UP, UH, TERNERS I LOOKED TO MY LEFT
19 TO OBSERVE THE VEHICLE, UM, BECAUSE IT HAD AROUSED MY
20 SUSPICION. I SAW A SINGLE PASSENGER, UH, SEATED IN THE
21 VEHICLE, WHO I RECOGNIZED AS CHAKA GRAYSON FROM MY
22 PREVIOUS CONTACTS. UH, MISTER GRAYSON WAS SEATED IN THE
23 PASSENGER SIDE OF THE VEHICLE. UM, THE FRONT SEAT
24 PASSENGER SIDE OF THE VEHICLE, UM, WHICH I AUTOMATICALLY
25 AND INSTINCTIVELY KNEW HE WAS THE ONLY PERSON IN THE
26 VEHICLE BECAUSE THERE WAS NO ONE ELSE IN THE AREA WHO
27 COULD HAVE EXITED THE VEHICLE. I HAD NOT LOST SIGHT OF
28 THE VEHICLE AND KNEW THAT IT WAS THE VEHICLE THAT HAD,

1 YOU KNOW, WITHIN FIVE TO TEN SECONDS OF ME OBSERVIN' IT
2 HAD, UH, PULLED INTO THAT SPOT. NO ONE COULD HAVE EXITED
3 THE VEHICLE. SOMEONE COULD'VE BEEN HIDING IN THE
4 VEHICLE. UM, BUT THERE CERTAINLY WAS NO ONE ELSE VISIBLE
5 AND IT APPEARED VERY SUSPICIOUS. MISTER GRAYSON MADE EYE
6 CONTACT WITH ME AS I DROVE BY.

7 [REDACTED] CAN, CAN YOU DESCRIBE THE LIGHTING CONDITIONS?

8 EK: CERTAINLY. UH, BASICALLY THERE, IT'S ALL NATURAL LIGHT
9 IN THAT AREA AT THAT TIME OF DAY. WELL LIT. UM, THERE
10 WAS NO, UH, SHADOWS OR SUNSETTING OR ANYTHING THAT, UH,
11 WOULD'VE MADE MY VISIBILITY, UH, LESS THAN, UH, ONE
12 HUNDRED PERCENT.

13 [REDACTED] SO THERE WAS NO NEED FOR STREET LIGHTS OR ANYTHING LIKE
14 THAT? IT WAS STILL SUNLIGHT?

15 EK: IT WAS STILL SUNLIGHT. NO NEED FOR STREET LIGHTS. NO
16 NEED FOR SPOTLIGHTS. NO NEED FOR HEADLIGHTS ON MY
17 VEHICLE.

18 [REDACTED] AND WHAT TIME OF DAY DID THIS HAPPEN?

19 EK: I BELIEVE, UH, IT HAPPENED, UM, RIGHT AROUND SIX O'CLOCK.
20 UH, THAT'S MY RECOLLECTION. I, SPECIFICALLY, I COULDN'T
21 TELL YOU A MINUTE. I DIDN'T, UH, DIDN'T LOOK AT MY,
22 WASN'T LOOKIN' AT MY WATCH. UH, YOU KNOW, IT'S NOT,
23 THAT'S SOMETHING I NORMALLY DO. UM ...

24 [REDACTED] OKAY.

25 EK: ... UNTIL I'VE MADE A STOP OR HAVE A REASON TO, TO CHECK
26 THE TIME. UH ...

27 [REDACTED] OKAY.

28 EK: SO, AS I DRIVE BY I SEE CHAKA GRAYSON SEATED ...

1 ■ AND HE LOOKS AT YOU?

2 EK: AND HE LOOKS AT ME AND HE _____ ...

3 ■ AND HE'S IN THE PASSENGER, FRONT PASSENGER SEAT.

4 EK: FRONT PASSENGER SEAT OF THE VEHICLE. NO ONE ELSE

5 OBSERVED IN THE VEHICLE. IT APPEARS TO BE PARKED JUST AS

6 I HAD SEEN IT PARKED. UM, AND HE DOES LOOK AT ME. UM,

7 FROM TERR-, UH, TERNERS DRIVE I ATTEMPTED TO MAKE A

8 U-TURN. I WAS GONNA POSITION MY VEHICLE BEHIND HIS, UH,

9 AND STOP HIM AND DETAIN HIM FOR INVESTIGATION. BASED ON

10 MY PRIOR KNOWLEDGE THAT HE'S ON PAROLE, THAT I BELIEVED,

11 UH, THAT I HAD SEEN HIM DRIVING BECAUSE THERE WAS NO, AS

12 FAR AS I KNEW NO OTHER EXPLANATION FOR HIM BEIN' IN THE

13 VEHICLE WITH THE VEHICLE PARKING.

14 ■ OKAY. AND WHEN YOU SAW THE CAR COMING DOWN THE HILL

15 COULD YOU SEE, COULD YOU SEE OR DISTINGUISH WHO THE

16 DRIVER WAS?

17 EK: I COULD SEE A SOLO OCCUPANT IN THE VEHICLE. UM, APPEARED

18 TO BE WEARING A DARK T-SHIRT AND DARK COMPLEXION. UM,

19 BUT I COULD NOT SEE A FACIAL FEATURE.

20 ■ OKAY.

21 EK: DISTINCTIVELY AT THAT POINT, UH, BECAUSE OF THE DISTANCE.

22 ■ OKAY.

23 EK: UM, I ...

24 ■ CAN I, CAN I ASK, TO BE CLEAR, WHEN YOU DID SEE HIM, DID

25 YOU RECOGNIZE THE SUSPECT AS YOU'RE CALLING HIM AS CHAKA

26 GRAYSON?

27 EK: IMMEDIATELY.

28 //

1 [REDACTED] AT THAT POINT, UH, WERE YOU UNDER THE IMPRESSION THAT HE
2 WAS DRIVING ON A SUSPENDED LICENSE?

3 EK: YES.

4 [REDACTED] WHAT, WHAT WAS YOUR SOURCE OF INFORMATION FOR THAT?

5 EK: I, EARLIER I HAD BEEN TOLD THAT HE HAD A SUSPENDED
6 LICENSE BY DEPUTY [REDACTED] THAT'S WHY THEY ...

7 [REDACTED] BUT YOU HAVE NOT PERSONALLY CHECKED TO SEE IF HAS A ...

8 EK: NO I ...

9 [REDACTED] ... SUSPENDED ...

10 EK: ... DID NOT.

11 [REDACTED] ... LICENSE?

12 EK: UH, AND I, AND AGAIN I KNOW ...

13 [REDACTED] SO THE REASON FOR YOU TRYING TO MAKE THE U-TURN TO
14 CONTACT HIM IN AN INVESTIGATIVE SOURCE, AS YOU SAID
15 EARLIER, WAS TO ONE FIND OUT WHAT THE HECK WAS GOIN' ON,
16 OKAY.

17 EK: THERE WAS, UH, MULTIPLE REASONS, ALL OF WHICH, YOU KNOW,
18 WOULD'VE COLLABORATED AT THE SAME TIME. I KNEW HE WAS ON
19 PAROLE, HIS ACTIVITIES WERE HIGHLY SUSPICIOUS, UM, YOU
20 KNOW, PEOPLE DON'T PARK A VEHICLE IN THAT DRASTIC MANNER
21 AND THEN SLIDE TO THE PASSENGER SEAT AND TRY AND PRETEND
22 THEY'RE SITTING THERE OR WHATEVER HE WAS DOING. UM, I
23 ALSO HAD THE PRIOR BELIEF THAT HE WAS ON A SUSPENDED
24 LICENSE. SO THOSE, ALL THOSE REASONS POINTED TO ME
25 BELIEVING HE WAS ENGAGING IN CRIMINAL ACTIVITY. UM, TO
26 WHAT LEVEL I DID NOT KNOW BUT CERTAINLY HIGHLY SUSPICIOUS
27 AND, UM, AND WORTH, YOU KNOW, WORTH MY TIME TO
28 INVESTIGATE AND, UH, _____ POLICE ACTIVITIES.

1 UH, SO AGAIN I PULLED PAST THE VEHICLE AND, UH, ATTEMPTED
2 TO MAKE A U-TURN TO PULL BEHIND THE VEHICLE. UM, AS I
3 DID SO I DIDN'T COMPLETE A U-TURN WITHIN THE ROADWAY. I
4 WAS PROBABLY THREE, MAYBE, MAYBE, MAYBE LESS. TWO AND A
5 HALF TO THREE CAR LENGTHS, UH, MAYBE TWENTY FEET BEHIND
6 THE VEHICLE WHEN I HAD TO STOP AT THE CURB SO I WAS
7 ANGLED TOWARDS THE CURB. UM, I DID ACTIVATE MY, UH,
8 FLASHING LIGHTS. UM, AND I WAS GONNA, UH ...

9 [REDACTED] JUST LET ME CATCH UP HERE FOR A SECOND.

10 EK: SURE.

11 [REDACTED] THANKS. AND YOUR VEHICLE WAS PARKED TOWARDS THE CURB,
12 RIGHT? NOT ...

13 EK: UH, ANGLED, ANGLED TOWARDS THE CURB. SO MORE POINTED
14 TOWARDS THE REAR OF HIS VEHICLE BUT AT, POINTED THE FULL
15 FRONT OF MY VEHICLE WOULD'VE BEEN FACING THE CURB, THAT
16 ANGLE. I WAS NOT BEHIND IT AT ALL.

17 [REDACTED] AND YOU'RE TWO AND A HALF TO THREE CAR LENGTHS BEHIND HIS
18 CAR?

19 EK: YES.

20 [REDACTED] YOU SAID YOU ACTIVATED YOUR LIGHTS. DID YOU ACTIVATE ALL
21 OF 'EM?

22 EK: UH, YES. SO I, UH, THROUGH THE SWITCH ALL THE WAY TO THE
23 RIGHT, WHICH IS ON FULL ROTATIONAL LIGHTS, INCLUDING A
24 FOURTH _____ FACING RED LIGHT.

25 [REDACTED] OKAY.

26 EK: UH, AND SO AS I WAS ABOUT TO PUT MY VEHICLE IN REVERSE TO
27 REPOSITION IT, UM, BEHIND HIS THE PASSENGER DOOR OF THE
28 VEHICLE OPENED, UH, AND I SAW MISTER GRAYSON STEP HALF-

1 WAY OUT. HE STEPPED HIS LEG OUT OF THE VEHICLE. UM, I
2 BELIEVE AT THAT POINT HE WAS GOING TO FLEE, UH, ON FOOT,
3 UH, BECAUSE OF HIS SUSPICIOUS ACTIVITY, UM, HIM SLIDING
4 OVER TO THE PASSENGER SIDE, WHICH I BELIEVE WAS, YOU
5 KNOW, AN ATTEMPT TO AVOID BEING CONTACTED BY LAW
6 ENFORCEMENT, UH, I, SO IN SEEING HIM STEP OUT OF THE
7 VEHICLE, I EXITED MY VEHICLE, UH, AND I YELLED AT HIM,
8 "CHAKA, STOP RIGHT THERE."

9 ■: OKAY. HOLD ON HERE. LET ME CATCH UP AGAIN.

10 EK: SURE.

11 ■ AND THEN, SO YOU SAW THE PASSENGER DOOR OPEN AND YOU SAW
12 HIS LEG GET OUT OF THE CAR?

13 EK: HALF OF HIS BODY EXITED. HIS, HIS FOOT WAS PLANTED ON
14 THE GROUND.

15 ■ YOU EXITED YOUR VEHICLE?

16 EK: YES, SO I OPENED THE DOOR OF MY VEHICLE AND EXITED AND
17 IMMEDIATELY ORDERED HIM, UH, BY NAME, UH, TO STOP RIGHT
18 THERE. UM, AS I WAS ORDERING HIM TO STOP, I WAS ALSO
19 ORDERING HIM TO SHOW ME HIS HANDS. HE CLOSED THE VEHICLE
20 DOOR AND LAID DOWN HIS HEAD FACING THE DRIVER SIDE ON THE
21 FRONT SEAT. I BELIEVE IT'S A BENCH SEAT. UH, ON THE
22 FRONT SEAT OF THE BUICK. SO HE LAID DOWN FLAT AND OUT OF
23 MY SIGHT.

24 ■ HE SHUT DOOR, OKAY, AND LAID... OKAY.

25 EK: UM, THE, SO HE LAID OUT OF MY SIGHT. I APPROACHED HIS
26 VEHICLE ON FOOT, UM, ORDERING HIM TO SHOW ME HIS HANDS.
27 UH, SHOW ME HIS HANDS, SHOW ME HIS HANDS. UH, THE
28 WINDOWS WERE UP ON THE VEHICLE. I DIDN'T HEAR ANY

1 RESPONSE FROM HIM. UH, AS I APPROACHED THE DRIVER SIDE
2 OF THE VEHICLE, UH, WITH, UH, AND HE WAS LAYING DOWN AND
3 NOT COMPLYING. I DREW MY DEPARTMENT-ISSUED FIREARM,
4 WHICH IS A GLOCK TWENTY-TWO PISTOL, UH, AND POINTED IT IN
5 HIS DIRECTION, UH, WHERE HE WAS ON THE SEAT. I CONTINUED
6 TO ORDER HIM BY NAME, UH, TO SHOW ME HIS HANDS. UM, HE,
7 AND WHEN HE WAS LAYING DOWN HE WAS STARTING THE VEHICLE.
8 UH, HE HAD REACHED UP WITH HIS HAND THAT I COULD SEE HE
9 HAD STARTED THE VEHICLE. I WALKED PAST THE DRIVER SIDE
10 DOOR, UM, AND POSITIONED MYSELF NEXT TO THE DRIVER SIDE
11 FENDER OF HIS VEHICLE, UM, JUST, UH, PROBABLY THREE FEET
12 AWAY FROM THE FENDER, UM, ALMOST WHERE THE WINDOW PILLAR
13 WOULD MEET AT THE GAP BETWEEN THE DOOR AND THE FENDER.
14 UH, SO I HAD MY DEPARTMENT-ISSUED WEAPON POINTED AT HIM
15 FROM THREE FEET AWAY. UH, I WAS ORDERING HIM TO STOP.
16 UH, SHOW ME HIS HANDS, SHUT OFF THE VEHICLE. HE SAT UP
17 IN THE VEHICLE, UH, PULLING HIS LEGS UNDER HIM. SAT UP
18 AND PUT THE CAR INTO DRIVE. UH ...

19 [REDACTED] SAT UP DRIVER SEAT?

20 EK: HE SAT UP IN THE DRIVER SEAT AND PUT THE VEHICLE INTO
21 DRIVE. UH, AT THAT TIME HE MADE DIRECT EYE CONTACT WITH
22 ME. MY WEAPON WAS POINTED AT HIS CHEST, UH, IN THE
23 VEHICLE AND I CONTINUED TO ORDER HIM TO SHUT THE VEHICLE
24 OFF. UH ...

25 [REDACTED] HOLD ON A SECOND.

26 EK: SURE.

27 [REDACTED]: OKAY, GO AHEAD.

28 //

1 EK: UM, SO AS I WAS POINTING MY WEAPON AT HIM, UH, AND
2 ORDERING HIM TO SHUT THE VEHICLE OFF AND SHOW ME HIS
3 HANDS, HE PUT THE VEHICLE INTO DRIVE. UH, HE ACCELERATED
4 THE VEHICLE RAPIDLY AND TURNED THE WHEEL TO THE LEFT.
5 UH, I TOOK A STEP BACK, UM, TO AVOID BEING HIT, UH, IF
6 THE VEHICLE HAD, WAS GONNA BE COMIN' INTO MY AREA. UH,
7 THE VEHICLE ACCELERATED FORWARD. THERE WAS PROBABLY TWO
8 TO THREE FEET BETWEEN THE REAR OF THE SILVER SEDAN THAT
9 HE HAD PARKED BEHIND AND THE FRONT OF HIS VEHICLE WHEN HE
10 STARTED THE MOVEMENT. UH, HIS VEHICLE LURCHED FORWARD
11 RAPIDLY AND STRUCK THE REAR OF THE SILVER SEDAN. THE
12 RIGHT FRONT FENDER OF HIS VEHICLE STRUCK THE LEFT REAR
13 FENDER OF THE SILVER SEDAN AS HE WAS TRYING TO PULL OUT.
14 UH, THE WHOLE TIME I HAD MY DEPARTMENT-ISSUED FIREARM
15 DRAWN. I CONTINUED TO ORDER HIM TO STOP THE VEHICLE.
16 UM, AND IT, I WAS SCREAMING AT HIM TO STOP THE VEHICLE.
17 YELLING AT HIM, "STOP THE VEHICLE." HE PUT THE VEHICLE
18 IN REVERSE, UH, AND TURNED THE WHEEL, UH, THE OPPOSITE
19 DIRECTION. HE REVERSED THE VEHICLE INTO THE CURB, UM, SO
20 THAT THE FRONT END OF THE VEHICLE SWUNG TOWARDS ME TO THE
21 LEFT. UH, AT THAT TIME THE VEHICLE, THE VEHICLE'S FRONT
22 LEFT BUMPER WAS POINTED DIRECTLY AT ME.

23 ■ OKAY, HOLD ON A SECOND, MAN. UH, LET'S GET A PICTURE OF
24 THIS. SO THE VEHICLE SWUNG TO THE LEFT.

25 EK: HE BACKED UP.

26 ■: HE BACKED UP, HIT THE CURB.

27 EK: AT S-, AT THAT SAME TIME HE SWING THE VEHICLE BACKWARDS.

28 //

1 ■ AND THE FRONT OF THE VEHICLE SWERVED TOWARDS YOU, LIKE
2 TOWARDS YOU?

3 EK: YES.

4 ■ OKAY. GO AHEAD.

5 EK: SO THE FRONT, UM, LEFT BUMPER OF THE VEHICLE WAS POINTED
6 DIRECTLY AT ME. UH, I CONTINUED, SO AT THIS POINT I AM
7 IN FRONT OF HIM, THE PASSENGER SIDE OF THE VEH-, THE
8 DRIVER SIDE OF THE VEHICLE RATHER IS IN LINE WITH ME.
9 UM, I HAVE MY DEPARTMENT-ISSUED FIREARM POINTED AT HIM.
10 I'M ORDERING HIM TO STOP AND SHUT OFF THE VEHICLE. UH
11 ...

12 ■ COULD YOU TELL WHETHER OR NOT HE WAS LOOKING AT YOU AT
13 THAT MOMENT?

14 EK: AT THAT MOMENT HE WAS LOOKING DIRECTLY AT ME. YOU KNOW,
15 WE HAD MADE EYE CONTACT PREVIOUSLY, UM, WHEN I DROVE BY
16 THE VEHICLE, WHEN HE WAS LAYING DOWN IN THE VEHICLE, UH,
17 AND THEN WHEN HE SWUNG THE VEHICLE AROUND HE WAS LOOKING
18 DIRECTLY AT ME WITH MY FIREARM DRAWN, POINTED AT HIM,
19 ORDERING HIM TO STOP. HE PUT THE VEHICLE IN DRIVE, UH,
20 AND IMMEDIATELY, I DON'T KNOW IF HE PUT THE PEDAL TO THE
21 FLOOR BUT ACCELERATED RAPIDLY. UH, AT THAT TIME I DIDN'T
22 HAVE TIME TO FIRE A ROUND. I HAD TO STEP OUT OF THE WAY
23 OF THE VEHICLE. UH, HAD I NOT MOVED THE VEHICLE WOULD'VE
24 STRUCK ME, UH, AND I WAS IN FEAR, UH, FOR MY OWN SAFETY.
25 WHETHER HE WAS S-, ATTEMPTING TO FLEE OR SPECIFICALLY
26 ATTEMPTING TO ASSAULT ME, I DON'T KNOW, BUT HAD I NOT
27 MOVED, HE WOULD'VE HIT ME WITH THE VEHICLE. UM, THE FULL
28 FRONT LEFT BUMPER OF THE VEHICLE WOULD'VE COLLIDED WITH

1 ME AND HE WOULD'VE RUN ME OVER. THERE'S NO WAY HE COULDA
2 STOPPED IN THAT AMOUNT OF TIME, UH, FROM THE ACCELERATION
3 THAT HE HAD, UH, STARTED. UH, AS I STEPPED BACK, UM, I
4 BEGAN TO FIRE INTO THE VEHICLE WITH MY DEPARTMENT-ISSUED
5 FIREARM, UH, AND I CONTINUED FIRING AS HE DROVE PAST ME,
6 UH, AND CONTINUED DOWN TERNERS DRIVE AT A HIGH RATE OF
7 SPEED. I BELIEVE THE LAST TIME I FIRED MY WEAPON HE WAS
8 PROBABLY NO MORE THAN MAYBE TEN FEET AWAY ME. UM, AT
9 THAT TIME MY WEAPON RAN DRY AND I HAD TO RELOAD, UM, AND
10 I DID SO. UH, DROPPED MY EMPTY MAGAZINE INTO MY HAND AS
11 I WAS RUNNING, UH, AND RETRIEVED A MAGAZINE FROM MY
12 HOLSTER, RELOADED MY WEAPON AND CONTINUED RUNNING DOWN
13 TERNERS DRIVE. UH, I ATTEMPTED TO BROADCAST. AT NO
14 POINT IN THIS TIME HAD I PUT ANYTHING ON THE RADIO. UM,
15 THERE WASN'T TIME ANY, ANY TIME DURING THAT WHERE I
16 COULD'VE SAFELY GOTTEN ON THE RADIO AND, AND SAID WHAT
17 WAS GOING ON. AS I WAS RUNNING DOWN TERNERS DRIVE, THE
18 VEHICLE WAS PUTTING A LARGE AMOUNT OF DISTANCE BETWEEN
19 AND I CAN'T KEEP UP WITH THE CAR, UH, AS IT WAS DRIVING
20 RAPIDLY. I PUT ON THE RADIO, UH, SHOTS FIRED, UM, THAT
21 IT WAS CHAKA GRAYSON AND HE WAS LEAVING THE CITY ON
22 DONAHUE IN A GOLD BUICK. UM, AS I RAN TO THE END OF
23 TERNERS, UH, DRIVE AND LOOKED DOWN DONAHUE, I COULDN'T
24 SEE AN-, THE VEHICLE. UH, IT WAS GONE. UM, IT BECA-, I
25 BECAME AWARE THAT MY RADIO TRAFFIC HAD NOT BEEN READABLE.
26 UH, THE RADIO WAS ASKING WHAT WAS GOING ON AND I
27 CLARIFIED. AT THAT TIME I ALSO SAW A SUBJECT STANDING
28 NEAR THE OFF-RAMP OF SOUTHBOUND ONE O ONE, WHO WAS

1 POINTING TOWARDS DRAKE AVENUE AND I ASKED HIM IF THAT WAS
2 WHERE THE VEHICLE WENT ON DRAKE AND HE SAID, "YES." HE
3 WAS YELLING AT ME, "YES." UH, SO I BROADCAST ...

4 WHAT, WHAT STREET WAS HE POINTING TO?

5 EK: UH, DRAKE AVENUE. UM, IT'S THE LAST STREET BEFORE YOU GO
6 UNDER THE FREEWAY. UM, I BROADCAST THE SUSPECT'S NAME,
7 UM, LAST LOCATION, AND THE VEHICLE THAT HE WAS DRIVING
8 AND, UH, ADVISED MY UNITS TO LOCK DOWN THE CITY. UM, AT
9 THAT TIME I HAD LOST SIGHT OF THE VEHICLE AND I, UH,
10 RETURNED TO MY VEHICLE. I RAN BACK TO MY VEHICLE, WHICH
11 WAS UNSECURED, LIGHTS GOING, DOOR OPEN. UH, A CROWD HAD
12 BEGUN TO GATHER ON THE STREETS OF TERNERS, UH, AS WELL AS
13 A, A LARGER CROWD AT THE WESTERN SIDE, OR THE EASTERN
14 SIDE RATHER, OF TERNERS. THE SAME SIDE OF THE STREET
15 FROM THE AREA WHERE THE SHOOTING HAD OCCURRED. UM, I GOT
16 IN MY VEHICLE AND POSITIONED IT ACROSS TERNERS DRIVE IN
17 AN ATTEMPT TO PRESERVE THE CRIME SCENE. UH, SUBJECTS IN
18 THE CROWD WERE YELLING THINGS AND ONE SUBJECT SAID HE HAD
19 TO DUCK TO AVOID BEING SHOT. UM, ANOTHER SUBJECT HAD A
20 CAMERA AND WAS ASKING FOR MY NAME AND THERE WAS A LOT OF
21 TALK, UH, FROM THE CROWD THAT HAD GATHERED AND AGAIN I
22 HAD BEEN REQUESTING MORE UNITS. I BELIEVE I REBROADCAST,
23 UH, WHO THE SUSPECT WAS. UM, AND WAS REQUESTING MORE
24 UNITS TO HELP ME AT THE SCENE. UH, VEHICLES HAD BEGUN TO
25 DRIVE, AS I WAS WALKING UP TERNERS. IF I CAN BACK TRACK
26 A LITTLE. UM, MY VEHICLE HADN'T BEEN BLOCKING THE
27 ROADWAY COMPLETELY WHERE I'D LEFT IT AND VEHICLES WERE
28 DRIVING DOWN TERNERS DRIVE AND ONE VEHICLE I THINK

1 SPECIFICALLY DROVE THROUGH THE SCENE WHERE THE SHOTS HAD
2 BEEN FIRED AND I HAD DIRECTED, UM, TWO OTHER VEHICLES TO,
3 I'D HAND DIRECTED THEM TO BACK UP THE HILL. THAT THEY
4 WEREN'T GONNA BE COMING THROUGH THAT AREA AND SO I, AND
5 THEN I HAD REPOSITIONED MY VEHICLE AND HAD EXCHANGES,
6 BRIEF EXCHANGES WITH SOME OF THE PUBLIC. ASKING THEM TO
7 STEP BACK. UM, MY, UH, THE FIRST PERSON ON SCENE TO
8 COVER ME WAS DEPUTY [REDACTED] HE ARRIVED AND ASKED IF I
9 WAS OKAY. I TOLD HIM THAT I WAS. UH, HE ASKED ME, UM,
10 WHAT I NEEDED AND I TOLD HIM THAT I NEEDED TO BLOCK, HIM
11 TO BLOCK THE OTHER END OF TERNERS, UH, TO PRESERVE THE
12 CRIME SCENE AND HE DROVE, I'M NOT SURE WHICH ROUTE HE
13 TOOK, BUT HE DROVE BACK ONTO TERRACE. SO HE WENT THE
14 LONG WAY AROUND.

15 [REDACTED] SO HE WENT THE LONG WAY AROUND. SO HE DIDN'T ...

16 EK: GO THROUGH.

17 [REDACTED] ... GO THROUGH THE CRIME SCENE.

18 EK: HE WOULDN'T HAVE TO GO ALL THE WAY THROUGH PHILLIPS BY
19 THE SUB-STATION AND DOWN DONAHUE TO GET BACK THAT WAY.

20 [REDACTED]: OKAY.

21 EK: UH, HE DROVE THE LONG WAY AROUND. UH, WHILE ON SCENE I
22 BELIEVE IT WAS A MILL VALLEY POLICE OFFICER WAS THE
23 SECOND OFFICER ON SCENE. UH, UNFORTUNATELY AS HE CAME UP
24 TERNERS HE DROVE THROUGH THE CRIME SCENE AS WELL. I
25 DON'T THINK HE REALIZED THAT, BASED ON WHERE I WAS AND MY
26 VEHICLE WAS AND HOW IT WAS POSITIONED HE CERTAINLY DIDN'T
27 REALIZE THERE WAS ANYTHING GOING ON AT THAT SPECIFIC
28 AREA. UM, AND HE PULLED UP NEXT TO ME AND ASKED WHAT I

1 NEEDED. I TOLD HIM THAT I WAS GONNA NEED ASSISTANCE THE,
2 THE, WHERE THE CRIME SCENE WAS, AND I WAS GONNA NEED
3 ASSISTANCE KEEPING THE, THE CROWD IN LINE. UM, HE
4 REALIZED THAT HE WAS IN A, YOU KNOW, A BAD AREA. HE WAS
5 ACTUALLY STILL PARTIALLY IN THE WHAT YOU, THE GREATER
6 AREA OF THE CRIME SCENE. UM, HE, DEPUTY [REDACTED] ARRIVED
7 AT THE BOTTOM OF THE HILL AND PARKED HIS VEHICLE,
8 BLOCKING THE ROADWAY AND HE PULLED, THE MILL VALLEY
9 OFFICER PULLED HIS VEHICLE UP TO BLOCK MORE OF TERNERS
10 DRIVE ON OUR SIDE. UH, I BELIEVE AT THAT POINT, UH,
11 SERGEANT [REDACTED] ARRIVED ON SCENE. UH, HE ASKED ME BRIEFLY
12 WHAT HAD OCCURRED AND I TOLD HIM THAT CHAKA GRAYSON HAD
13 ATTEMPTED TO RUN ME OVER. UM, AND, I GAVE HIS
14 DESCRIPTION AGAIN. UM, HE SUGGESTED THAT WE GET, UH,
15 POLICE TAPE OUT AND TAPE OFF OUR CRIME SCENE. UM, TO
16 PRESERVE THE SCENE AND TO CONTROL THE CROWD THAT HAD BEEN
17 GATHERING. HE ALSO REQUESTED ADDITIONAL UNITS TO THE
18 SCENE. UM, AS THIS WAS GOING ON WE COULD ALSO HEAR UNITS
19 IN THE TWO HUNDRED LOT OF MARIN CITY ON THE RADIO OUT
20 WITH THE POSSIBLE SUSPECT VEHICLE AND DEALING WITH A
21 SEPARATE FOUR FIFTEEN PHYSICAL THAT HAD BEGUN.

22 [REDACTED] BECAUSE OF THIS INCIDENT, POSSIBLY?

23 EK: IT'S, IT ACTUALLY IS A FAMILY ISSUE SO IT'S A HISTORIC
24 FAMILY ISSUE.

25 [REDACTED] OKAY.

26 EK: IF THEY WERE, UH, SIMPLY OUT AND AGGRAVATED BECAUSE OF
27 WHAT HAPPENED I, I DON'T KNOW, I WASN'T THERE. UM ...

28 [REDACTED] BUT IT WASN'T ...

1 EK: THE RADIO.
2 [REDACTED] ... BUT IT WASN'T THE PERSON THAT YOU SAW KNOWN AS CHAKA
3 GRAYSON?
4 EK: IT WAS NOT ...
5 [REDACTED] ...
6 EK: ... CHAKA GRAYSON.
7 [REDACTED] ... _____?
8 EK: NO. UM, AS, UM, THE OFFICER AND I WERE WALKING, THE MILL
9 VALLEY OFFICER AND I WERE WALKING TO OUR VEHICLES, UH,
10 TWO PUT THE POLICE TAPE UP. UM, HE WALKING UP TO HIS
11 VEHICLE AND I WAS FOLLOWIN' HIM SO HE WAS PARKED ON THE
12 WESTERN SIDE OF TERNERS DRIVE, UH, TO GET POLICE TAPE. I
13 TURNED, UH, JUST IN SCANNING THE AREA, I TURNED TO MY
14 RIGHT, UH, TO WHERE I WOULD'VE BEEN FACING THE CROWD AND
15 WAS [REDACTED], UM, [REDACTED]. UH, [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED]. UH, IT WAS A VERY DIRECT IMPACT ON [REDACTED]
18 [REDACTED] UH, WHICH CAUSED THIS [REDACTED]
19 [REDACTED] IS THIS THE ...
20 EK: RIGHT HERE.
21 [REDACTED] ... MARK? YEAH RIGHT, OKAY.
22 EK: UH, [REDACTED] [REDACTED]. UH, [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED], UM, IN
24 AN ATTEMPT TO POSSIBLY SEE THE SUSPECT. I LOOKED AT THE
25 CROWD AND I DID SEE A BLACK MALE ADULT IN A GREEN POLO
26 SHIRT WALKING AWAY FROM THE CROWD WHICH I REMEMBER NOTING
27 WAS SUSPICIOUS BECAUSE EVERYONE ELSE WAS THERE TO SEE
28 WHAT WAS GOING ON AND FOR SOMEONE ...

1 [REDACTED] ...

2 EK: ... WALKIN' AWAY ...

3 [REDACTED] ... WALK AWAY.

4 EK: ... WOULDN'T HAVE MADE SENSE.

5 [REDACTED] OKAY.

6 EK: UH, I WALKED, THE ROCK AFTER HITTING ME IN THE FACE, UH,
7 TRAVELLED APPROXIMATELY TWENTY FEET FROM MY LOCATION INTO
8 THE GRASS, AND I WALKED OVER AND USING A RUBBER GLOVE
9 RETRIEVED THE ROCK, UM, AND CAPSULATED IT IN THE GLOVE
10 AND PLACED IT IN THE TRUNK OF MY VEHICLE, WHERE I GOT
11 MORE POLICE TAPE. UM, IT WAS AT THAT TIME THAT SERGEANT
12 [REDACTED] UH, HAD ME WALK TO, UH, DEPUTY [REDACTED] VEHICLE WHO
13 HAD ARRIVED ON SCENE AT THE TOP OF TERRACE. UH, AND
14 SERGEANT [REDACTED] DIRECTED DEPUTY [REDACTED] TO REM-, REMOVE ME
15 FROM THE AREA. UH, HE ALSO TOOK MY DEPARTMENT-ISSUED
16 FIREARM WHICH I DROPPED THE MAGAZINE OUT OF THAT HAD A
17 ROUND LOADED IN THE CHAMBER AND I EJECTED THAT ROUND AS
18 WELL AND PROVIDED HIM WITH, UH, THE LOADED MAGAZINE, THE
19 SINGLE ROUND OUT OF THE MAGA-, AND MY FIREARM. UM, BASED
20 [REDACTED]
21 [REDACTED], UH,
22 DEPUTY [REDACTED] TRANSPORTED ME TO THE FIRE STATION LOCATED
23 NEXT TO THE SUB-STATION, UH, WHERE THEY PERFORMED A
24 [REDACTED] UH ...

25 [REDACTED]: [REDACTED]
26 [REDACTED]

27 EK: THE IMMEDIATE THING THAT I FELT, [REDACTED] A
28 [REDACTED] AND

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]: OKAY.
13 EK: [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]. UM, UH, AND I RETURNED TO THE SUB-STATION, UH,
18 WHICH IS CONNECTED, UH, WITH THE [REDACTED]. UM, SERGEANT
19 [REDACTED] ARRIVED AT THE SUB-STATION AND BRIEFLY, UM,
20 OBTAINED A STATEMENT, AN OFFICER-SAFETY STATEMENT FROM ME
21 REGARDING THE INCIDENT, UM, SO THAT HE COULD BE SURE
22 THERE WAS A, THE CONDITIONS OF THE INCIDENT, WHAT THE
23 WANT WAS ON THE SUSPECT, IF THERE WERE ANY WEAPONS
24 OUTSTANDING, WHAT POSSIBLE THREAT THERE WAS TO OTHER
25 OFFICERS ON THE SCENE, UM, AND SO HE OBTAINED THAT
26 STATEMENT FROM ME BRIEFLY. WROTE DOWN SOME NOTES I
27 BELIEVE AT THE TIME, UH, AND THEN HAD, UH, DEPUTY
28 [REDACTED] WHO HAD ALSO ARRIVED AT THE SUB-STATION,

1 [REDACTED] [REDACTED]
2 [REDACTED].
3 [REDACTED]: HOW 'YA DOIN'?
4 EK: [REDACTED] [REDACTED] AND JUST, UH, IT'S BEEN A LONG TWENTY-
5 FOUR HOURS JUST ABOUT AT THIS POINT, UH.
6 [REDACTED] YEAH.
7 EK: [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED].
10 [REDACTED] THAT'S A REMINDER.
11 EK: [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED]. UM, YOU KNOW, I, THERE'S
14 OBVIOUSLY THERE'S A LOTTA QUESTIONS I HAVE ABOUT CHAKA'S
15 ACTIVITIES AND WHY HE DID WHAT HE DID AND WHY HE FELT THE
16 NEED TO DO WHAT HE DID. NOT KNOWING THAT I'LL, KNOWING
17 THAT I PROBABLY WON'T GET ANSWERS TO THOSE, YOU KNOW, IS
18 KIND OF A, AN OPEN-ENDED BOOK THAT I'LL NEVER, I, I KINDA
19 REALIZE NOW I'LL PROBABLY WON'T EVER HEAR A STRAIGHT
20 STORY FROM HIM. UM, BUT IT'S A, YOU KNOW, IT WAS A BIG,
21 BIG THING KINDA. IT STICKS WITH YOU.
22 [REDACTED]: I'M GLAD YOU HAVE YOUR REPRESENTATIVES HERE.
23 EK: YES, BEEN VERY HELPFUL.
24 [REDACTED] OKAY. SO WHAT I'D LIKE YOU TO DO NOW, DO YOU NEED TO
25 TAKE A LITTLE BREAK?
26 EK: I THINK I'M OKAY.
27 [REDACTED] OKAY.
28 EK: I'M GONNA GRAB DRINK OF WATER.

1 ■ YEAH. WHAT I'D LIKE YOU TO DO IS GO OVER THE INC-,
2 INCIDENT AGAIN BACKWARDS TO FORWARD.
3 ■ WHY?
4 ■ BECAUSE I'D LIKE HIM TO DO THAT.
5 ■ WELL HE'S ALREADY RECOUNTED THIS INCIDENT.
6 ■ RIGHT.
7 ■ THAT JUST SEEMS LIKE AN EXERCISE IN FUTILITY TO GO
8 BACKWARDS TO FORWARDS.
9 ■ I, I WOULD LIKE HIM TO DO IT IF THAT'S POSSIBLE. IS, IS
10 THERE A REASON WHY YOU DON'T WANT HIM TO DO IT?
11 ■ BECAUSE HE'S GIVEN AN ACCOUNTING OF WHAT OCCURRED.
12 ■ OKAY, AND I WOULD LIKE TO HAVE HIM REPEAT IT BACKWARDS
13 TO, TO THE ...
14 ■ FOR ...
15 ■: ... FROM THE END OF IT TO THE START OF IT.
16 ■ FOR WHAT PURPOSE? I MEAN THAT'S JUST AN EXERCISE IN
17 FUTILITY.
18 ■: CONSISTENCY.
19 ■ IF YOU WANNA ANSWER THAT YOU CAN. IT JUST, YOU'VE GIVEN
20 AN ACCOUNT OF WHAT HAPPENED.
21 EK: I THINK JUST BASED ON MY ATTORNEY'S ADVICE, IF THERE'S
22 FOLLOW-UP QUESTIONS I'LL CERTAINLY ANSWER THOSE.
23 ■: OKAY.
24 ■: YEAH ...
25 EK: BUT I THINK ...
26 ■: ... 'CAUSE ...
27 //
28 //

1 EK: ... I'LL, UH, I BELIEVE MY STATEMENT TO BE, I'VE GONE
2 OVER IT BACKWARDS AND FORWARDS IN MY MIND AND, UH, I'D
3 LIKE TO ...
4 [REDACTED] OKAY.
5 EK: ... THEY, _____ WAS PRETTY SPECIFIC.
6 [REDACTED] THAT'S GOOD, THAT'S FINE.
7 EK: SURE.
8 [REDACTED] WHAT I'D LIKE YOU TO DO IS, USING THIS, USING THIS, DRAW
9 A DIAGRAM OF THE STREET WHERE YOU WERE, WHERE HIS VEHICLE
10 WAS, AND THEN WE'LL GO FORWARD. AFTER YOU DO THAT, THEN
11 WE'LL GO FORWARD WITH YOUR, WHY YOU'RE POSITIONING, WHEN
12 YOU DREW THE GUN, AND YOUR BODY POSITIONING.
13 EK: OKAY.
14 [REDACTED] WHERE THE VEHICLE MOVED TO AND STUFF LIKE THAT.
15 EK: OKAY, UM, DO YOU WANT TO, I MEAN DO YOU WANT FROM, FROM
16 TERNERS TO DONAHUE OR ...
17 [REDACTED] HOWEVER YOU FEEL COMFORTABLE IN DRAW-, DRAWING IT. I
18 JUST WANNA BE ABLE TO SEE THE CAR POSITIONING AND WHERE
19 YOU'RE AT BASIC. I DON'T NEED THE WHOLE DONAHUE TO, TO
20 TERNERS TO DONAHUE. JUST THAT BASIC AREA BETWEEN ...
21 EK: OKAY.
22 [REDACTED]: ... LIKE, UH, THE PARKED CAR THAT WAS THERE PRIOR.
23 EK: MM-MMM.
24 [REDACTED] WHERE HIS CAR WAS, WHERE YOUR CAR WAS, BECAUSE YOU MOVED
25 YOUR PATROL CAR.
26 EK: YES.
27 [REDACTED] SO WHERE IT WAS WHEN WE LOOKED AT IT LAST NIGHT WAS NOT
28 WHERE IT WAS DURING THE STOP.

1 EK: CERTAINLY.

2 ■ 'CAUSE YOU'RE SAYING IT WAS TWENTY FEET BACK. IT WAS TWO
3 CAR LENGTHS BACK.

4 ? : SURE.

5 EK: YES.

6 ■ OKAY. SO IF YOU WOULD DO THAT THAT'D BE GREAT.

7 EK: OKAY, UH, SO THIS IS, UM, THIS IS GONNA BE, UH, TERRACE
8 DRIVE. UM, AND THERE ARE HOUSES HERE. UH, ONE ROW OF
9 HOUSES, UM, WITH THEIR BACKYARDS FACING THIS AREA. UH,
10 AND THE SAME HERE. UH, THIS IS A DEAD-END. THERE'S A
11 PATHWAY HERE BUT IT'S NOT VEHICLE TRAFFIC. UM, AND THERE
12 ARE HOUSES ON THE SIDE AS WELL. _____ OVER HERE
13 _____ BEFORE WE WENT TO THE ROADWAY. UH, IF THAT'S
14 TERRACE DRIVE, UM, THIS, I'M SORRY THEY LOOK LIKE THE
15 SAME WIDTH, BUT THIS IS TERNERS.

16 ■ OKAY.

17 EK: DRIVE. UM, THIS WOULD BE SOUTH, WEST, NORTH, AND EAST.
18 UH, THERE ARE APARTMENT BUILDINGS. THERE'S A SIDEWALK
19 THAT RUNS THE FULL LENGTH ON BOTH SIDES OF THE ROADWAY.
20 THERE'S AN APARTMENT BUILDING HERE. UH, THERE'S ALSO AN
21 APARTMENT BUILDING ON THIS SIDE. UM, BACK ON THIS SIDE
22 THERE IS A TEETER TOTTER. THERE'S A PLAYGROUND.

23 ■ MM-MMM.

24 EK: UH, THIS AREA IS AN OPEN FIELD. UH, OPEN HILLY FIELD,
25 UH, THAT TRAVELS UPWARDS. UH, AND THE WHOLE ROADWAY
26 SLOPES, UH, UP TOWARDS TERRACE DRIVE. TERRACE DRIVE IS
27 THE HIGHEST POINT AND DONAHUE AT THE BOTTOM IS THE LOWEST
28 POINT. UH, THE VEHICLE, UH, THE SILVER SEDAN WOULD'VE

1 BEEN PARKED ALONG THE EASTERN SIDE, UH, ALONG THE CURB.
2 UH, I WAS DRIVING SOUTH ON TERNERS DRIVE, UH, WHEN MISTER
3 GRAYSON'S VEHICLE MADE THE TURN FROM ...
4 [REDACTED] RIGHT.
5 EK: ... TERRACE DRIVE. IT'S A RIGHT TURN. AND HIS VEHICLE
6 PARKED, UH, MADE THE DRASTIC RIGHT TURN HERE. AND I'M
7 NOT SURE OF THE ...
8 [REDACTED] JUST PUT "S" RIGHT THERE AT THE ...
9 EK: UH, SUSPECT.
10 [REDACTED] YEAH SHA-, YEAH.
11 EK: OKAY.
12 [REDACTED] HOW DO YOU PR-, HOW DO YOU SAY HIS ...
13 EK: IT'S A C-...
14 [REDACTED]: ... FIRST NAME?
15 EK: ... WITH A C, CHAKA.
16 [REDACTED] C, OKAY. I THOUGHT IT WAS S, OKAY.
17 EK: UM, SO HIS VEHICLE PARKED ALONG THE CURB HERE.
18 [REDACTED]: OKAY.
19 EK: UH, AS I DROVE BY, UH, AND SAW THE SU-, THE SUBJECT, UH,
20 I INITIALLY ATTEMPTED TO MAKE A U-TURN. UH, WOULD'VE
21 BEEN A LEFT TURN FOR ME. IN DOING SO COMPLETED MOST OF
22 THE TURN, UH, PROBABLY TO WHERE I WAS POSITIONED HERE.
23 I'M, I'M SORRY. LIKE THAT. IN FRONT OF MY VEHICLE.
24 _____ SHERIFF'S CAR. UM,
25 POSITIONED MY VEHICLE THERE. LIKE I SAID, I BELIEVE I
26 WAS APPROXIMATELY TWO CAR LENGTHS, SOMEWHERE IN THERE, TO
27 THE FRONT OF MY VEHICLE, BEHIND HIS VEHICLE, AND COULDN'T
28 COMPLETE THE TURN. UH, AS I ATTEMPTED TO EXIT MY, OR TO

1 REPOSITION MY VEHICLE AS I WAS GOING TO, THE PASSENGER
2 DOOR, AND HE WAS SEATED HERE.
3 ■: OPENED.
4 EK: THE PASSENGER DOOR OPENED AND THEN I SAW HIM ATTEMPT TO
5 STEP OUT. I IMMEDIATELY OPENED MY DOOR WHERE MY VEHICLE
6 WAS LOCATED, UM, AND BEGAN ORDERING HIM TO STOP AND HE
7 CLIMBED BACK INTO HIS VEHICLE ...
8 ■: _____ THE ...
9 EK: ... OUT OF MY SIGHT.
10 ■: OKAY.
11 EK: _____ OUT OF MY SIGHT. UM, I APPROACHED ON FOOT TO
12 HIS VEHICLE, OBSERVED HIM LAYING DOWN AND ATTEMPTING TO
13 START THE VEHICLE AND POSITIONED MYSELF ALMOST PARALLEL
14 TO THE, THE, I DON'T KNOW WHAT THAT PILLAR'S CALLED ON
15 THE FRONT, THE WINDSHIELD PILLAR.
16 ■: MKAY.
17 EK: WHERE IT TOUCHES THE ...
18 ■ BY THE FRONT WHEEL. WHERE, BEHIND THE FRONT WHEEL?
19 EK: UM, WHERE, WHERE THE DOOR, THE FRONT FENDER AND THE DOOR
20 MEET. THAT GAP.
21 ■: OKAY.
22 EK: I POSITIONED MYSELF THERE. I POINTED MY WEAPON AT HIM
23 AND ORDERED HIM TO STOP. UM, THAT'S WHEN HE'S SAT UP AND
24 PUT THE CAR IN DRIVE AND INITIALLY HIS MOVEMENT WAS THIS
25 DIRECTION AND THE FRONT LEFT, FRONT RIGHT BUMPER OF HIS
26 VEHICLE.
27 ■ HIT THE FRONT...
28 EK: HIT ...

1 ... THE REAR.

2 EK: ... THE REAR BUMPER OF HIS VEHICLE. UM ...

3 ... OKAY.

4 EK: ... PRETTY SOLIDLY. IT WASN'T, IT, IT WAS DEFINITELY ON

5 THE REAR. IT WASN'T LIKE A, HE COULDN'T GET AROUND IT.

6 HE WOULD'VE ...

7 ... OKAY.

8 EK: HAD HE BEEN ABLE TO PUSH THROUGH THE VEHICLE I'M SURE HE

9 WOULD HAVE.

10 ... SO WHEN HE, LET'S USE A DIFFERENT COLOR PEN FOR THIS NOW.

11 _____. HOW 'BOUT THAT ORANGE ONE. IT'S, UH,

12 DISTINCTIVE. USING THE ORANGE ONE NOW, UM, HIS CAR PULLS

13 UP. YOU DON'T HAVE TO DO A DRAWING OF HIS CAR HITTING

14 THIS CAR, AND THEN IT BACKS UP.

15 EK: YES.

16 ... WHERE DO YOU GO WHEN IT BACKS UP, WHERE, NOW, WITH THE

17 ORANGE PEN PUT WHERE YOU WENT 'CAUSE YOU SAID YOU MOVED.

18 WHERE YOU MEANT, WHERE YOU WENT.

19 EK: SO INITIALLY ...

20 ... : BEFORE HE PULLED IT FORWARD.

21 EK: SO ...

22 ... HE BACKS UP.

23 EK: HE BACKS ...

24 ... HITS THE CURB.

25 EK: YES, HE BACKS UP AND HITS THE CURB. UM, AND AT THAT TIME

26 WHEN HE BACKED UP, UM, I TOOK A STEP AWAY FROM THE FRONT

27 OF HIS VEHICLE.

28 ... OKAY.

1 EK: BUT I CONTINUED AND I MAY HAVE TAKEN ANOTHER STEP FORWARD
2 WHEN HE COMPLETED, WHEN I HADN'T BEEN HIT BY THE VEHICLE
3 BECAUSE I WAS IN FRONT OF HIS VEHICLE ORDERING HIM TO
4 STOP WHEN HE BACKED UP. SO I MAY HAVE BEEN IN ALMOST THE
5 SAME POSITION. I'M SURE I SHUFFLED.
6 ■: OKAY, TELL YOU WHAT, LET'S DO IT THIS WAY 'CAUSE IT'LL BE
7 EASIER.
8 EK: SURE.
9 ■ LET'S JUST TAKE ANOTHER PIECE OF PAPER.
10 EK: OKAY.
11 ■ AND ALL YOU HAVE TO DO IS DRAW HIS VE-, THE, THE PARKED
12 VEHICLE, HIS VEHICLE, AND THEN THE POSITION YOU WERE IN.
13 EK: OKAY.
14 ■ _____ GO.
15 EK: SO, THIS WOULD BE THE PARKED VEHICLE. DAMAGE HERE.
16 ■ OKAY.
17 EK: HIS VEHICLE HAD BACKED UP AND WAS POSITIONED AGAINST THE
18 CURB HERE, AND I WAS STANDING RIGHT HERE.
19 ■: OKAY.
20 EK: _____ AT THE STAR. UH, AND AT THAT POINT I HAD
21 DIRECT EYE, HE WAS SEATED IN THE DRIVER'S SEAT AND I HAD
22 DIRECT EYE CONTACT WITH HIM WITH MY WEAPON DRAWN.
23 ■ SO, IN YOUR OPINION, THERE'S NO WAY HE DIDN'T KNOW YOU'RE
24 WEARING A MARKED POLICE UNIFORM, WITH A BADGE, AND A GUN,
25 POINTED AT HIM, AND YOU'RE GIVING HIM DIRECT ORDERS TO
26 STOP THE VEHICLE.
27 EK: THERE'S NO QUESTION IN MY MIND ...
28 ■ THAT HE ...

1 EK: ... THAT HE ...
2 ■ ... DIDN'T KNOW YOU WERE ...
3 EK: ... SAW ME ...
4 ■ ... A POLICE OFFICER.
5 EK: ... KNEW I WAS A, HE PROBABLY KNEW EXACTLY WHO I WAS, YOU
6 KNOW, KNOWING THE POLICE OFFICERS THAT WORK THE AREA.
7 ■ OKAY.
8 EK: KNEW WHO I WAS, SAW MY UNIFORM, SAW MY GUN, SAW MY CAR.
9 I BELIEVE ALL HIS ACTIVITIES WERE BASED UPON THE FACT
10 THAT HE WAS ENGAGED IN SOME SORT OF CRIMINAL CONDUCT TO
11 WHICH I DON'T KNOW. BUT, AND HE WAS ATTEMPTING TO FLEE
12 ...
13 ■: OKAY.
14 EK: ... LAW ENFORCEMENT CONTACT, DIRECTLY. I THINK HE KNEW I
15 WAS A POLICE OFFICER AS SOON AS HE TURNED ONTO TERNERS
16 DRIVE AND SAW MY CAR ...
17 ■: RIGHT.
18 EK: ... HE KNEW I WAS A POLICE OFFICER. BECAME VERY APPARENT
19 AS I DROVE BY AND LOOKED AT HIM IN THE EYES IN MY FULL
20 MARKED GREEN AND WHITE POLICE CAR AND MADE A U-TURN WITH
21 FLASHING LIGHTS AND HAD ...
22 ■ RIGHT.
23 EK: ... MULTIPLE CONTACTS. ABSOLUTLY ...
24 ■ SO ...
25 EK: ... NO DOUBT IN ...
26 ■: ... YEAH.
27 EK: ... MY MIND.
28 //

1 [REDACTED] SO HE HAD, YOU, YOU WILL, YOU WOULD, A NORMAL PERSON
2 WOULD TAKE THE FACT THAT YOU ARE A DEPUTY GIVING HIM
3 LAWFUL ORDERS TO CEASE ...

4 EK: AN-, ANY ...

5 [REDACTED] ... AND DESIST.

6 EK: ... ANY PERSON.

7 [REDACTED] OKAY. SO, HE PUTS THE CAR IN DRIVE AND ACCELERATES
8 TOWARDS YOU.

9 EK: YES. UH, HE PUTS THE CAR ...

10 [REDACTED] AND I'M JUST USING THE WORDS YOU HAVE USED EARLIER. AND
11 IF I DON'T USE THE RIGHT WORDS PLEASE TELL ME I'M NOT.

12 EK: CERTAINLY. UH, THE VEHICLE'S POINTED DIRECTLY AT ME. HE
13 PUTS THE VEHICLE IN DRIVE AND ACCELERATES AND I STEP
14 BACKWARDS TO THIS POSITION OUT OF THE WAY OF THE VEHICLE,
15 WHERE THE VEHICLE WAS POINTED AT ME.

16 [REDACTED]: OKAY.

17 EK: HAD HE TURNED TO THE RIGHT HE MAY HAVE BEEN ABLE TO CLIP,
18 CONTINUE TO HIT, TO ATTEMPT TO HIT ME OR CLIP ME WITH THE
19 VEHICLE. UH, SO EVEN NOT BEING DIRECTLY IN FRONT OF THE
20 VEHICLE WHERE HE STARTED HIS ACCELERATION AND BEING TO
21 THE RIGHT OF IT, I WAS STILL IN FEAR FOR MY OWN SAFETY
22 THAT HE MAY AND TRY AND HIT ME. EVEN AFTER FIRING AT HIM
23 WHEN HE PASSED ME, I BELIEVED HE COULD'VE PUT THE VEHICLE
24 IN REVERSE AND ATTEMPTED TO HIT ME. THERE WAS NO DOUBT
25 IN, IN MY MIND FROM THE MOMENT I WAS IN FRONT OF THE
26 VEHICLE AND HE ACCELERATED THAT HE WAS WILLING TO HIT ME
27 WITH THE VEHICLE TO ESCAPE WHATEVER CONTACT OR CUSTODY HE
28 WAS FACING.

1 [REDACTED] DID THAT CAUSE YOU TO BE AFRAID FOR YOUR LIFE?
2 EK: ABSOLUTELY. UH, THERE WAS NO, NO DOUBT IF HE HAD HIT ME
3 HE WOULD'VE RUN ME OVER WITH THE VEHICLE AND VERY LIKELY
4 HAVE KILLED ME. UH, SO EVEN IN STEPPING OUT OF THE WAY
5 THAT THREAT CONTINUED, HAD HE CONTINUED TO MAKE THE TURN
6 HE COULD'VE HIT ME, HAD HE PUT THE CAR IN REVERSE AFTER
7 PASSING ME HE C-, CERTAINLY COULD'VE RUN ME OVER AGAIN.
8 I WAS IN FEAR FOR MY SAFETY UNTIL THERE WAS ENOUGH
9 DISTANCE BETWEEN HIS VEHICLE AND ME THAT I COULD'VE
10 GOTTEN OF THE ROADWAY AND TAKEN COVER.
11 [REDACTED] OKAY. SO, I SEE YOUR FIRST MARK. WHY DON'T YOU, UH, USE
12 THE BLACK PEN. JUST PUT NUMBER ONE AND THEN NUMBER TWO
13 SO I'LL KNOW WHERE YOU MOVED TO. UM, IN NUMBER ONE WHERE
14 YOU'RE STANDING AT, LOOKING AT, WOULD THAT, HOW C-, FAR
15 INTO THE VEHICLE WERE YOU, LIKE AT THE LIGHTS OF THE
16 VEHICLE?
17 EK: YES.
18 [REDACTED] OR EVEN FURTHER CENTER MASS?
19 EK: LIGHTS OF THE VEHICLE.
20 [REDACTED] OAKY.
21 EK: UM ...
22 [REDACTED] 'CAUSE I'M JUST SAYING THAT'S JUST OFF OF WHAT YOU'RE
23 DRAWING.
24 EK: YES.
25 [REDACTED]: OKAY, AND HOW FAR DO YOU THINK YOU MOVED, AND THAT WOULD
26 BE TO THE WEST? HOW FAR ...
27 EK: YES.
28 [REDACTED]: HOW, DO YOU KNOW HOW MANY STEPS YOU TOOK?

1 EK: I, I DON'T RECALL. UM, I WAS PROBABLY NO MORE THAN FOUR
2 FEET AWAY, FIVE FEET AWAY FROM THE VEHICLE AT THAT TIME.
3 ■: OKAY, FOUR OR FIVE FEET AWAY FROM THE VEHICLE?
4 EK: FROM THE SIDE OF THE VEHICLE.
5 ■ AND YOU MIGHT'VE MENTIONED IT ALREADY BUT IN YOUR NUMBER
6 ONE POSITION WHAT WAS THE DISTANCE BETWEEN YOU AND THE
7 FRONT OF THE CAR?
8 EK: THREE TO FOUR FEET. UM, MAYBE, MORE LIKE THREE I WOULD
9 SAY.
10 ■ OKAY. AND HOW FAR, WHEN YOU MOVED OFF, HOW FAR YOU WERE
11 AWAY FROM THE VEHICLE WHEN HE STARTED GOING FORWARD
12 _____?
13 EK: I WOULD SAY I WAS APPROXIMATELY FOUR FEET AWAY FROM THE
14 VEHICLE, THE, THE BUMPER OF THE VEHICLE, THE CORNER WHEN
15 HE STARTED, UM, UH, PAST MY LOCATION SO IT WOULD'VE
16 MAINTAINED UNTIL, UNTIL THE VEHICLE INCREASED DISTANCE
17 FROM ME HE WOULD'VE BEEN FOUR TO FIVE FEET FROM MY
18 LOCATION TO THE _____ HIS VEHICLE.
19 ■: OKAY. AND LET ME JUST _____. SO YOU'RE
20 IN FRONT OF THE CAR. HE PUTS IT IN DRIVE AND ACCELERATES
21 AT YOU.
22 EK: YES.
23 ■: IS HE ACCELERATING AT YOU BEFORE YOU MOVE OR DO YOU MOVE
24 BEFORE HE ACCELERATES?
25 EK: I'M, I, THERE WAS ABSOLUTELY A MOMENT WHEN I HAD EYE
26 CONTACT WITH HIM, MY WEAPON DRAWN, WHEN I TOLD HIM TO
27 STOP. UM ...
28 ■: SO HE WAS MOVING TOWARDS YOU?

1 EK: HE WAS ...

2 ■ HE WAS _____ YOU.

3 EK: ... HE WAS AT THAT TIME, 'CAUSE IT, PUTTING THE VEHICLE
4 IN DRIVE. AS HE ACCE-, AS I SAW HIM PUT THE VEHICLE IN
5 DRIVE AND KNEW THAT HE WAS GOING TO ATTEMPT TO DRIVE
6 FORWARD I S-, BEGAN TO STEP OUT OF THE WAY.

7 ■ OKAY.

8 EK: AND HE ACCELERATED, UH, AT, AT THAT SAME INSTANT.

9 ■: HOW DID YOU FEEL, YOU'RE STANDING IN FRONT OF THE CAR,
10 YOUR GUN'S POINTING AT HIM, HE PUTS THE CAR IN DRIVE,
11 WHAT WAS YOUR FEELING THEN?

12 EK: MY EMOTIONAL FEELING WAS THAT I WAS ABOUT TO GET RUN OVER
13 BY A CAR. MY OFFICER-SAFETY PERCEPTION WAS THAT I WAS IN
14 A VERY BAD POSITION AND IN ORDERING HIM TO STOP I WAS
15 CONTEMPLATING MY MOVE TO GET OUT OF THE WAY OF THE
16 VEHICLE.

17 ■ TO ESCAPE THE DANGER? TO ESCAPE THE THREAT?

18 EK: YES.

19 ■: IS THAT WHY YOU WERE MOVING?

20 EK: YES. UH, I HAD IN, IN THIS SCENARIO I HAVE TO OPTIONS TO
21 AVOID GETTING HIT BY HIS VEHICLE WITHOUT ANY DOUBT IN MY
22 MIND. ONE IS TO RUN FASTER THAN HIS VEHICLE AND THE
23 OTHER IS TO STEP OUT OF THE WAY. THE ONLY WAY I COULD.
24 HAD I STEPPED TOWARDS HIS VEHICLE, TOWARDS THE CURB HE
25 WOULD'VE HIT ME. HAD I TRY TO RUN AWAY HE WOULD'VE HIT
26 ME. IT WOULD'VE TAKEN A SECOND LONGER BUT HE WOULD HAVE.
27 THERE WAS NO WAY HE COULD'VE CONTROLLED THE ACCELERATION
28 OF THAT VEHICLE TOWARDS MY LOCATION.

1 ■: OKAY. SO, YOU FELT WHEN YOU WERE IN FRONT OF THE CAR AND
2 HE PUT IT INTO DRIVE THAT YOUR LIFE WAS IN DANGER?
3 EK: YES. I DON'T BELIEVE IF I HAD WAITED ANOTHER SECOND THAT
4 I WOULD BE IN THE CONDITION I'M IN RIGHT NOW. HE
5 WOULD'VE HIT ME WITH THE CAR. IT WAS THAT, THAT QUICK TO
6 MOVE OUT OF THE WAY.
7 ■: YOU STEP OFF TO THE SIDE.
8 EK: YES.
9 ■: YOU STILL HAVE YOUR GUN POINTED.
10 EK: YES.
11 ■: HE'S ACCELERATING.
12 EK: AS I'M ...
13 ■: HOW DO YOU ...
14 EK: ... STEPPING ...
15 ■: ... HOW DO YOU FEE-, AS YOUR STEPPING, AS YOUR STEPPING
16 HE ACCELERATES ...
17 EK: IT ...
18 ■: ... TOWARDS YOU.
19 EK: IT WOULD'VE BEEN AN INSTANT MOVEMENT FROM HIM PUTTING IT
20 IN DRIVE TO ME STEPPING OUT OF THE WAY AND HE ...
21 ■: SO IT ALL KINDA HAPPENED AT ...
22 EK: ... HE DIDN'T HESITATE.
23 ■: ... SAME TIME.
24 EK: THERE WAS NO ...
25 ■: THERE WAS NO ...
26 EK: ... HESITATION.
27 ■: ... HESITATION?
28 //

1 EK: IT WASN'T I'M GONNA PUT IT IN DRIVE AND REV AT YOU, IT
2 WAS THE CAR'S IN DRIVE AND HE'S GOING.
3 ■: OKAY. WHEN YOU STEPPED OFF TO THE SIDE. YOU NEED, NEED
4 A SECOND?
5 EK: THAT'S OKAY.
6 ■: 'CAUSE I WANT YOU TO BE COMFORTABLE AS YOU CAN BE.
7 EK: SURE.
8 ■ UM, WHEN YOU STEPPED OFF TO THE SIDE HE'S ACCELERATED,
9 HOW ARE YOU FEELING ONCE YOU STEP OFF TO THE SIDE?
10 EK: I AM STILL FEELING THAT I AM IN IMMENSE DANGER, UH,
11 BECAUSE HIS VEHICLE AS A WEAPON IS STILL IN PLAY AND
12 THERE'S NOTHING, AT THAT POINT, MY ESCAPE ROUTES ARE CUT
13 OFF. IF HE TURNS THE VEHICLE TOWARDS ME I'M IN THE
14 MIDDLE OF IT. I COULD GET LUCKY IF THE VEHICLE DOESN'T
15 HAVE A TURNING RADIUS WHERE IT CAN HIT ME BUT I'M STILL
16 TRAPPED INSIDE OF THIS VEHICLE TURNING TOWARDS ME. MY
17 BELIEF IS HAD HE TURNED THE WHEEL FULLY TO THE LEFT HE
18 STILL WOULD'VE STRUCK ME.
19 ■: STILL COULDA HIT YOU, RIGHT.
20 EK: AND EVEN AS ...
21 ■: AND HOW ...
22 EK: ... HE CAME ...
23 ■ ... HOW DID THAT MAKE YOU FEEL?
24 EK: I, I WAS IN IMMENSE FEAR FOR MY LIFE.
25 ■: OKAY.
26 EK: AND, AND AS HE, EVEN AS HE CONTINUED AWAY THERE WAS A
27 REALIZA-, AND I, AT THAT POINT I WAS, BEGAN TO FIRE. AS
28 //

1 SOON AS HE, AS SOON AS I WAS OUT OF THE WAY AND HE WAS
2 DRIVING FORWARD I BEGAN TO FIRE MY WEAPON AT HIM.
3 ■: OKAY.
4 EK: BECAUSE I CONTINUED TO BELIEVE THAT HE WAS GOING TO TRY
5 AND STRIKE ME WITH HIS VEHICLE.
6 ■ OKAY. SO YOU STEP OUT OF THE WAY, HE PUTS IN THE FLOOR,
7 AND YOU AT THAT POINT IN TIME YOU DISCHARGE YOUR WEAPON.
8 EK: YES, AND THERE WAS NOT A SECOND IN BETWEEN.
9 ■ OKAY.
10 EK: IT WAS ALL ...
11 ■ IMMEDIATE.
12 EK: IMMEDIATE.
13 ■ AND HOW MANY, UH, ONE, UH, WHERE DID, HOW MANY SHOTS DID
14 YOU FIRE AT THAT POINT IN TIME? WHEN HE'S ...
15 EK: I ...
16 ■: WHEN YOU'RE OFF TO THE SIDE AGAIN?
17 EK: S-, SO EVERYTHING, YOU KNOW, TO TRY AND PUT A TIME LIMIT
18 ON, OR A TIME STAMP ON WHEN EVERYTHING OCCURRED IT'S ALL
19 CONNECTED. IT IS A ...
20 ■: CORRECT.
21 EK: ... A, AN INSTANTANEOUS SINGULAR MOMENT. YOU KNOW, WHERE
22 SECONDS ARE, YOU KNOW, DRAWN OUT. I BEGAN FIRING MY
23 WEAPON AT HIM AND I FIRED UNTIL MY WEAPON WENT DRY AND HE
24 WAS AT THAT TIME NO MORE THAN A CAR LENGTH BETWEEN ME AND
25 THE REAR OF THE VEHICLE. PROBABLY NOT EVEN THAT MUCH.
26 BUT IT, IT'S POSSIBLE.
27 ■ SO YOU'RE BASICALLY, OKAY. WHAT, LET ME, LET ME GET THIS
28 DOWN FIRST. SO, YOU'RE OFF TO THE SIDE AND YOU'RE

1 FIRMING. DO YOU REMEMBER HOW MANY SHOTS YOU TOOK IN THAT
2 POSITION?
3 EK: AS THE VEHICLE PAST MY LOCATION HE WAS IN MOVEMENT. MY
4 POSITION DIDN'T CHANGE.
5 ■: RIGHT.
6 EK: AND I CONTINUED FIRING ALL OF MY BULLETS, SIXTEEN ROUNDS.
7 ■: OKAY.
8 EK: AS HE WAS DRIVING AWAY.
9 ■: OKAY. YOU DON'T RECALL HOW MANY BULLETS YOU FIRED, IT
10 WAS A CONTINUOUS FIRING?
11 EK: YES.
12 ■: OKAY. SO AS I GET IT, UM, YOU'RE FIRING. THE VEHICLE
13 WAS GOING BY YOU NOW AND YOU STARTED TO SHOOT SO THEN DID
14 YOU FOLLOW THE VEHICLE AND CONTINUE TO FIRE AT THE
15 VEHICLE AS IT WAS DRIVING AWAY?
16 EK: YES.
17 ■: OKAY. AND YOU JUST CONTINUOUSLY FIRED?
18 EK: YES.
19 ■: AND YOU'RE FIFTEEN IN THE MAGAZINE AND ONE IN THE ...
20 EK: YES.
21 ■: OKAY. UM, AND WHAT WAS YOUR SHOOTING, DID YOU SEE OR
22 UNDERSTAND WHAT YOU'RE SHOOTING BACKGROUND WAS AT FIRST
23 WHEN YOU STARTED TO FIRE? WHERE, WHERE WOULD YOU HAVE
24 BEEN FACING?
25 EK: MY BELIEF IS THAT THE OTHER VEHICLE WAS THE BACKGROUND IN
26 THE INITIAL FIRING.
27 ■: THE PARKED VEHICLE, SILVER VEHICLE?
28 EK: YES.

1 ■ BUT YOU'RE FACING THE OPPOSITE WAY?
2 EK: NO. NO, I'M FACING THE SILVER VEHICLE. SO I'M HERE.
3 ■ RIGHT.
4 EK: HE DRIVES THIS WAY. I'M FACING THE SILVER VEHICLE.
5 ■ WERE ...
6 EK: THIS IS ...
7 ■ ... JUST, JUST GO AHEAD AND POINT TO WHERE HIS VEHICLE
8 WOULD'VE BEEN WHEN YOU'VE STARTED SHOOTING YOUR ROUNDS,
9 FIRING YOUR ROUNDS.
10 EK: HERE. THIS WOULD'VE BEEN THE DRIVER'S COMPARTMENT OF THE
11 VEHICLE.
12 ■ GOT IT.
13 EK: AND AS HE CONTINUED DRIVING THIS WAY I CONTINUED FIRING
14 AT HIS VEHICLE IN THIS DIRECTION. SO TOWARDS ...
15 ■ SO JUST GOING, SO HIS VEHICLE'S HERE. YOU'RE NOW FACING
16 THIS WAY. THAT'S WHY YOU'RE SEEING THE SILVER, YOU'RE
17 NOT, YOU'RE NOT LOOKING BACK THIS WAY TOWARDS THE OPEN
18 SPACE AREA. YOU'RE LOOKING MORE TOWARDS THE VEHICLE WHEN
19 YOU STARTED FIRING.
20 EK: THAT'S CORRECT.
21 ■ OKAY. AND HOW LONG FROM THE FIRST SHOT UNTIL THE LAST
22 SHOT?
23 EK: SECONDS.
24 ■ SECONDS. OKAY. IN ALL SIXTEEN.
25 EK: YES.
26 ■ OKAY. DID YOU SEE IF YOU HIT THE VEHICLE?
27 EK: YES.
28 //

1 █ OKAY. WHERE, WHAT PART OF THE VEHICLE DID YOU SEE THAT
2 YOU HIT?
3 EK: UH, MY, I DIDN'T USE THE SITES IN FIRING _____ ...
4 █ OH YEAH.
5 EK: ... IT WAS AN INSTANT-...
6 █ POINT.
7 EK: ...-ANEIOUS AND CLOSE ENOUGH THAT I WAS POINTING AND
8 SHOOTING. I KNOW THAT I STRUCK THE DRIVER'S SIDE DOOR OF
9 THE VEHICLE MULTIPLE TIMES AND THE LAST SHOTS I TOOK I
10 BELIEVED WERE TOWARDS THE REAR OF THE DRIVER'S SEAT. SO
11 THEY WOULD'VE BEEN THROUGH THE PASSENGER DOOR LIKELY.
12 UM, I DIDN'T SEE THOSE _____ STRIKE BUT THAT'S WHERE I
13 WAS, IN MY MIND, WHERE THE GUN WAS POINTED. UH ...
14 █ SO YOU STARTED OFF SHOOTING _____ING THE DRIVER'S
15 SIDE, THEN IS IT LIKE FOLLOWING THE CAR AS IT'S GOING?
16 YOU BLEED, YOU'RE STILL HITTING THE CAR?
17 EK: YES. AND MY, MY SIGHT PICTURE CHANGED FROM WHERE HE WAS
18 SEATED IN THE DRIVER'S SIDE. AS HE CONTINUED FORWARD MY
19 ANGLE INCREASED AND I WAS SHOOTING THEN TOWARDS THE REAR
20 OF, NOT THE REAR OF HIS VEHICLE, BUT THE REAR OF THE
21 DRIVER'S ...
22 █ YOUR ...
23 EK: ... SEAT.
24 █ ... QUARTER PANEL AREA TYPE THING.
25 EK: NO, NOT THAT FAR BACK ...
26 █ OKAY.
27 EK: ... _____. THE REAR DRIVER SIDE DOOR.
28 █ OKAY.

1 EK: WOULD'VE BEEN _____.
2 ■ DID YOU SEE IF YOU STRUCK HIM AT ALL?
3 EK: I BELIEVE THAT I DID BUT THERE WAS NOTHING TO INDICATE IN
4 HIS DRIVING AT THAT INSTANT, ANYTHING I HEARD AND I
5 DIDN'T SEE OR, THERE WAS NO WAY TO KNOW IF I HAD HIT HIM
6 AT THAT POINT.
7 ■ OKAY. AS THE VEHICLE'S GOING PAST YOU AND YOU'RE SAYING
8 IT'S ROUGHLY TEN FEET AWAY FROM YOU WHEN YOU STOP FIRING.
9 EK: YES.
10 ■ OKAY. THE REAR, THE REAR, REAR OF THE CAR'S TEN FEET
11 AWAY.
12 EK: YES.
13 ■: OKAY. WHAT'S YOUR SIGHT PICTURE AS IT'S DRIVING WHEN
14 YOU'RE TAKING YOUR LAST SHOTS? WHAT'S YOUR BACKGROUND,
15 SIGHT BACKGROUND?
16 EK: IT WOULD'VE BEEN, I, I CAN'T SAY. UM, BASED ...
17 ■: WELL CAN YOU TELL ME WHAT YOU SAW?
18 EK: I WAS FOCUSED ON THE VEHICLE. UH, AND, AND SO TO SAY I
19 HAD TUNNEL VISION WOULD BE ACCURATE IN, IN THAT MOMENT.
20 FOCUSED ON THE VEHICLE. OBVIOUSLY NOT BEING ABLE TO SEE
21 THROUGH THE VEHICLE, WHAT I WOULD'VE SEEN IS THE CURB AND
22 SIDEWALK AREA, UM, OF TERNERS. THAT'S, BASED ON THE
23 ANGLE IT WAS A, IT WAS A DOWNWARD ANGLE THAT I WAS
24 SHOOTING AT THE VEHICLE BECAUSE AS IT CONTINUED THE SLOPE
25 OF THE ROAD MAKES IT DOWNWARDS. I'M STANDING, I'M
26 ALREADY ABOVE IT. UM, SO THE BACKDROP I WOULD'VE HAD
27 WOULD'VE BEEN THE SIDEWALK AREA.
28 SC: 'CAUSE ...

1 EK: POSSIBLY THE ROAD, THE EDGE OF THE ROADWAY ...
2 ■: OKAY.
3 EK: ... TO THE SIDEWALK AREA ON THE WEST ...
4 ■: 'CAUSE ...
5 EK: ... END _____.
6 ■: ... MY, MY RECOLLECTION OF BEING THERE LAST NIGHT WAS
7 THAT IT KINDA LIKE DIPS DOWN ON BOTH SIDES. IT, IT DIPS
8 DOWN FROM ...
9 EK: THE CENTER OF THE ROADWAY?
10 ■: YEAH, THE CENTER. WHERE YOU'RE AT IS NOT QUITE, IT, IT
11 MIGHT'VE BEEN SOMEWHAT LOW BUT LIKE THERE'S, FROM TERRACE
12 IT COMES DOWN AND FROM DONAHUE IT ALSO COMES DOWN,
13 CORRECT?
14 EK: FROM ...
15 ■: _____ SLIGHTLY.
16 EK: FROM DONAHUE SLIGHTLY.
17 ■: YEAH.
18 EK: BUT TERRACE MORE DRAMATIC.
19 ■: IT'S MORE DRAMATIC ...
20 EK: AND, AND ...
21 ■: ... OKAY.
22 EK: ... NONE OF, NONE OF THE DONAHUE GRADE ON THE ROADWAY
23 WOULD HAVE COME INTO PLAY. IT WAS STRICTLY, HIS POSITION
24 WAS LOWER THAN MINE. BOTH BECAUSE I WAS STANDING AND
25 BECAUSE I WAS, I WAS STANDING AND THE VEHICLE WAS LOWER
26 AND BECAUSE THE ROADWAY WAS POINTED DOWNWARDS.
27 ■: OKAY. UM, DID YOU SEE ANY PEOPLE?
28 EK: NO.

1 █ OKAY, DID ...

2 EK: NO.

3 █ ... HEAR, WHAT, WHAT DID YOU HEAR GOING ON WHEN THIS WAS
4 HAPPENING?

5 EK: INITIALLY NOTHING. UM, I DON'T RECALL SEEING ANYONE AT
6 THE PARK AREA BUT I DON'T, MY ATTENTION WAS ON THE
7 VEHICLE ...

8 █ WAS ON THE VEHICLE _____.

9 EK: ... FROM THE INSTANT I WAS APPROACHING IT TO WHEN I
10 TURNED AROUND MY, FROM THE MOMENT I SAW THE VEHICLE PULL
11 ONTO TERNERS MY PICTURE WAS THE VEHICLE AND SURROUNDING
12 AREA. MY BELIEF WAS SOMEONE WAS GONNA GET OUT OF THE
13 VEHICLE THAT WAS ENGAGED IN CRIMINAL ACTIVITY. JUST
14 SOLELY BASED ON ITS UNUSUAL TURN.

15 █: AND YOU DIDN'T KNOW, YOU DIDN'T, DID YOU GET, WHEN YOU
16 WALKED PA-, WHEN YOU INITIAL WALKED PAST TO THE DRIVER'S
17 SIDE DID YOU LOOK INSIDE THE CAR? COULD YOU SEE IF HE
18 WAS THE ONLY PASSENGER STILL OR IF THERE WAS SOMEONE ELSE
19 IN THE CAR OR WAS THAT AN UNKNOWN TO YOU?

20 EK: AT, AT THE TIME THAT THE VEHICLE, THAT I WAS WALKING PAST
21 THE VEHICLE I OBSERVED ONLY HIM. MY INITIAL BELIEF WHEN
22 I DROVE BY WAS THAT HE WAS THE ONLY PERSON IN THE
23 VEHICLE. COULD THERE HAVE BEEN SOMEBODY LAYING ON THE
24 FLOORBOARD, THERE COULD'VE BEEN.

25 █ BUT YOU DIDN'T SEE ...

26 EK: AS I APPROACHED ON FOOT THERE WAS ABSOLUTELY NOT ANYONE
27 ELSE IN THE VEHICLE. AND FROM THE TIME I DROVE ON, ONTO
28 TERNERS AND SAW THAT VEHICLE MAKE THE MOVE BEHIND THE

1 SILVER SEDAN, I HAD A VIEW PICTURE OF THAT VEHICLE AND
2 THE GREATER AREA AROUND IT BECAUSE I WAS LOOKING FOR
3 SOMEONE TO EXIT. THERE WAS NO ONE ELSE IN THAT AREA, UM,
4 AT THAT TIME. SO FOR SOMEONE I DIDN'T SEE ANYONE AND FOR
5 SOMEONE TO HAVE BEEN IN THAT AREA, THEY WOULD'VE
6 APPROACHED AS I WAS POINTING MY GUN AND SCREAMING AT
7 SOMEONE FROM THOSE APARTMENTS WHICH I DON'T RECALL SEEING
8 ANYONE AND I DON'T BELIEVE ANYONE WOULD'VE, WELL ...
9 ■: RIGHT.
10 EK: ... I DON'T WANNA GIVE EVERYONE TOO MUCH CREDIT ...
11 ■: RIGHT.
12 EK: ... BUT I DON'T BELIEVE PEOPLE WOULD BE APPROACHING ...
13 ■ WOULD BE IN THERE.
14 EK: ... AT THAT POINT.
15 ■: OKAY. UM, AS YOU'RE SH-, FIRING YOUR WEAPON, UH, WERE
16 YOU SAYING ANYTHING?
17 EK: UH, NO.
18 ■: OKAY.
19 EK: UM, I CONTINUED YELLING AS HE ACCEL-, BEGAN TO ACCELERATE
20 AND WHEN I BEGAN FIRING IN THOSE FEW SECONDS, UH, NO.
21 ■: AND WHEN HE HIT THE PARKED, YOU HADN'T FIRED YOUR WEAPON
22 BEFORE HE HIT THE PARKED CAR?
23 EK: NO.
24 ■: OKAY. AND AS HE'S GOING PAST YOU, AND YOU SAID YOU'RE
25 CONTINUING TO FIRE YOUR WEAPON, WHY ARE YOU FIRING YOUR
26 WEAPON AS HE CONTINUED PAST YOU?
27 EK: MY BELIEF, THE WHOLE TIME HE WAS DRIVING PAST ME WAS THAT
28 HAD HE INTENDED TO AS HE HAD PREVIOUSLY CLEARLY

1 DEMONSTRATED, HAD HE TURNED THE WHEEL HE COULD'VE HIT ME
2 OR CERTAINLY HAVE HAD ME IN A POSITION WHERE I WAS NOT
3 GONNA BE ABLE TO GET OUT OF THE ROADWAY BEFORE BEING HIT
4 BY HIM. AS HE CONTINUED UNTIL HE WAS IN A POSITION WHERE
5 I COULD GET SAFELY OUT OF THE ROADWAY, WHICH IS WHAT I
6 DID, HE, MY BEL-, I, I HAD NO IDEA WHAT HIS NEXT ACTION
7 WAS GONNA BE AS HE, AFTER HE PAST ME. HE COULD'VE, THE
8 REASON I RELOADED MY WEAPON WAS HE W-, COULD'VE TURNED
9 THAT VEHICLE AROUND OR PUT IT IN REVERSE AND TRIED TO RUN
10 ME OVER AND HE HAD CLEARLY DEMONSTRATED EARLIER THAT HE
11 HAD NO HESITATION ABOUT DOING THAT. MY LIFE WAS IN
12 JEOPARDY UNTIL I BELIEVED I WAS SAFELY ON THE SIDEWALK
13 WHEN I CHASING HIS VEHICLE AS IT WENT OUT OF SIGHT.

14 ■ SO WHEN HIS VEHICLE WENT DOWN THE ROAD YOU RAN TO THE
15 SIDEWALK TO GET OUT OF THE ROADWAY AND CHASED HIM DOWN
16 THE ...

17 EK: INITIALLY I RAN DOWN THE STREET BUT I MADE MY WAY TO THE
18 SIDEWALK, UM ...

19 ■: OKAY.

20 EK: ... AS THAT WOULD BE THE QUICKEST ROUTE TO, TO THE CORNER
21 ANYWAYS, UM, BUT TO GET OUT OF THE ROADWAY AS WELL. UM,
22 AND I RAN STRAIGHT DOWN. ALL, ALL THE WAY TO THE CORNER
23 OF DONAHUE AND TERNERS.

24 ■ AND I'M SORRY I KEEP HARPIN' ON THIS. I'M STILL JUST
25 TRYIN' TO GET A MENTAL PICTURE OF IT. UM, SO HE, HE, YOU
26 STARTED FIRING YOUR WEAPON, HE DRIVES, AND HE'S TURNED
27 TOWARDS YOU, YOU STEP OUT OF THE WAY, YOU START FIRIN'
28 YOUR WEAPON, HE DRIVES FORWARD, YOU'RE STILL FIRING YOU

1 WEAPON, DO YOU REMEMBER HOW MANY, ONCE HE GOT PAST YOU
2 AND YOU'RE SHOOTING INTO THE REAR AREA, THE SIDE AND THE
3 REAR AREA OF THE VEHICLE, DO YOU REMEMBER HOW MANY SHOTS
4 YOU TOOK AT THAT POINT IN TIME?

5 EK: I, I DON'T RECALL.

6 ■: OKAY. AND YOU WERE CONS-, AFTER HE WAS PAST YOU
7 CONTINUED TO FIRE YOUR WEAPON, CORRECT?

8 EK: YES.

9 ■: OKAY. AND THAT WAS BECAUSE WHY?

10 EK: I CONTINUED TO BE IN FEAR FOR MY LIFE.

11 ■: BECAUSE ...

12 EK: _____

13 ■: ... IT'S ALREADY BACKED, AS YOU SAID EARLIER, HE'D
14 ALREADY BACKED UP THE CAR AND YOU WERE FEARING _____ MAY
15 ...

16 EK: OH, I MEAN THE CAR, THE CAR GOES IN REVERSE AS ALL CARS
17 DO AND THE FACT THAT HE HAD ALREADY ENGAGED IN SUCH A
18 VIOLENT EXCHANGE WHERE HE ATTEMPTED TO HIT ME WITH HIS
19 VEHICLE, IT WAS CLEAR THAT HE HAD NO CONCERN OVER MY
20 SAFETY OR MY LIFE. UH, THERE'S NO DOUBT IN MY MIND THAT
21 HAD I NOT MOVED PREVIOUSLY HE WOULD'VE HIT ME AND THAT
22 FEAR CONTINUED AS LONG AS HIS VEHICLE PRESENTED A THREAT
23 TO ME, AND IT PRESENTED A THREAT TO ME BEYOND WHEN I
24 FINISHED SHOOTING I SIMPLY WOULD NOT HAVE BEEN ABLE TO
25 MAKE AN EFFECTIVE SHOT AND WOULD RATHER HAVE GOTTEN A
26 SAFETY AT THAT POINT. UM, BUT ...

27 ■: OKAY.

28 //

1 EK: ... IT, MY, MY FEAR WAS SUSTAINED EVEN AFTER I STOPPED
2 SHOOTING. CERTAINLY ALL THE WAY THROUGH IT. UM, THAT HE
3 WAS GOING TO TRY SOMETHING. I HAVE AGAIN AND I, AND I
4 KINDA SAID EARLIER, I HAVE NO IDEA WHAT HE WAS DOING THAT
5 LED HIM TO DO THAT. WHETHER HE'S COMMITTED A CRIME,
6 ABOUT TO COMMIT A CRIME, ARMED, WHATEVER, WHATEVER IT
7 COULD'VE BEEN. COULD'VE BEEN SOMETHING MINOR, COULD'VE
8 BEEN S-, I DON'T KNOW. SO THE VEHICLE WAS PRESSING
9 CONCERN. EVERYTHING ELSE WAS ON THE TABLE AND, AND, AND,
10 AND AT THAT POINT HE HAD ALREADY ATTEMPTED, NO DOUBT IN
11 MY MIND HE WAS ATTEMPTING TO RUN ME OVER AS HE FLED.
12 WHETHER OR NOT HE WAS GONNA CONTINUE FLEEING OR COME BACK
13 AND, AND TRY AGAIN I DON'T KNOW.

14 [REDACTED]: OKAY.

15 EK: AND I DIDN'T KNOW THAT.

16 [REDACTED] BUT IT MADE YOU HAVE FEAR THAT HE WAS GONNA TRY AND STILL
17 CONTINUE TO HARM YOU?

18 EK: IT SUSTAINED THE HIGHEST LEVEL OF FEAR I'VE, I'VE HAD.

19 [REDACTED] OKAY. VERY GOOD. UH, LET'S TAKE A QUICK BREAK.

20 EK: SURE.

21 [REDACTED]: I THINK WE MIGHT BE DONE OR VERY CLOSE TO IT. I WANNA
22 CONFER WITH A COUPLE PEOPLE AND SEE IF THERE'S ANYTHING
23 ELSE WE NEED _____.

24 [REDACTED] IN THE MEANTIME THOUGH EVERYTHING'S STILL RECORDING?

25 [REDACTED]: YEAH, IF YOU GUYS WANNA STEP BACK ACT-, ACTUALLY OUTSIDE
26 SO THERE'S NO PROBLEMS _____ GUYS.

27 [REDACTED] OKAY.

28 [REDACTED]: WE CAN ACTUALLY GO TO THAT ROOM. DOES THAT SOUND ...

1 ■: _____ THIS ...
2 ■: THAT WAY IT'S ...
3 ■: _____ DRINK?
4 ■: UH, Y...
5 ■: OR ACTUALLY _____.
6 ■: THAT WAY IT'S ALL ON THE UP AND UP.
7 ■: PERFECT. IT'S _____ IT'S _____.
8 EK: IT'S, IT'S GOING OKAY. FEEL LIKE _____
9 IN THE ROOM.
10 ■: YEAH.
11 ■: WELL YOU ...
12 (DOOR CLOSES)
13 (PAUSE)
14 (KNOCK ON DOOR/DOOR OPENS)
15 ■: OH.
16 ■: WE'RE READY.
17 EK: ALRIGHT.
18 ■: _____ OKAY. OH YEAH IT IS A ...
19 ■: IT'S WARM IN HERE ISN'T IT?
20 ■: BAKER IN HERE. WHOO!
21 ■: HUMID AS WELL.
22 ■: IT IS, YEAH. OKAY WE'RE BACK.
23 (DOOR CLOSES)
24 ■: OKAY IT IS, UH, TOOK A SHORT BREAK. IT IS, UH, FOUR
25 MINUTES AFTER FIVE. WE'RE ALMOST DONE. UM, JUST A
26 COUPLE MORE QUESTIONS. UM, WHEN, SEE I CAN'T HANDLE
27 THIS. WHEN, UH, THE CAR FIRST, YOU'RE STANDING AT THE
28 //

1 CORNER, THE DOOR POST. I GUESS IT WAS, THE FRONT DOOR
2 POST.

3 EK: YES.

4 ■ AND IT MOVED FORWARD AND IT HIT THE PARKED CAR, DID YOU
5 MOVE AT THAT POINT IN TIME? I THINK YOU SAID YOU MIGHTA
6 SHUFFLED OR SOMETHING LIKE THAT.

7 EK: I, I TOOK A, A STEP AWAY. UM, YOU KNOW, THE, THE VEHICLE
8 DIDN'T TRAVEL VERY FAR FORWARD BEFORE IT HIT THE SEDAN.
9 THERE WAS-, OBVIOUSLY THERE WASN'T ENOUGH ROOM FOR IT TO
10 EVEN MAKE THE TURN, AND SO THE, IT WASN'T, IT WASN'T ABLE
11 TO MOVE FAR ENOUGH, UM, THAT I NEEDED TO MAKE A MORE
12 DRASTIC MOVE IN MY POSITION. IF THAT VEHICLE HAD NOT
13 BEEN THERE AND THE GOLD SEDAN HAD BEEN ABLE TO EXECUTE
14 THAT FULL TURN AND I CAN'T SAY I HAD THE FORESIGHT TO
15 KNOW THAT IT WOULDN'T HAVE BEEN ABLE TO, UM, IT'S, IT'S
16 POSSIBLE THAT HIS VEHICLE COULD'VE STRUCK ME.

17 ■ MM-MMM.

18 EK: IT WOULD'VE STRUCK ME WHERE I WAS STANDING. BY STEPPING
19 AWAY I WOULD CERTAINLY, YOU KNOW, I WAS OKAY.

20 ■: OKAY.

21 EK: IT WOULDN'T, YOU KNOW, WOULD'VE BEEN A, A CLIPPING OF ME
22 IF IT HAD GONE BY IT WOULD'VE MAYBE RUN OVER MY FOOT OR
23 HIT ME WITH THE REAR OF THE CAR, SOMETH-, UH ...

24 ■ OKAY.

25 EK: ... REAR SIDE OF THE CAR. BUT IT WOULDN'T HAVE, UH.

26 ■: ANY TIME DID YOU STEP, YOU, YOU SAID ON THE THING YOU, ON
27 THE DRAWING YOU, YOU POINTED TO YOU MOVED TO THE WEST,
28 AWAY FROM THE _____. ANY TIME DID YOU STEP IN FRONT OF

1 THE VEHICLE AFTER IT S-, AFTER IT MADE THAT TURN AGAINST
2 THE CURB?
3 EK: AS THE VEHICLE BACKED UP I BELIEVE I, I TOOK A STEP EAST
4 BACK TOWARDS THE, THE CURB. THE VEHICLE WAS BACKING UP
5 AND INITIALLY I DIDN'T KNOW IF IT WAS, INITIALLY IT WAS
6 GOING S-, S-, STRAIGHT BACK.
7 [REDACTED] OKAY.
8 EK: WELL IT WASN'T GOING STRAIGHT BACK, BUT IT WAS GOING ...
9 [REDACTED]: IT ANGLED.
10 EK: IT ANGLED.
11 [REDACTED] OKAY.
12 EK: BACK. UH ...
13 [REDACTED] AND YOU THINK MAYBE YOU ST-, WHEN, WHEN IT ANGLED BACK,
14 DO YOU THINK YOU STEPPED IN FRONT OF THE CAR?
15 EK: IT WOULD'VE BEEN IN THAT, AS IT WAS MOVING IT WOULD'VE
16 BEEN IN THAT DIRECTION. UM, YES.
17 [REDACTED] SO IT'S A POSSIBILITY YOU STEPPED IN FRONT OF THE CAR?
18 EK: WHEN IT WAS MOVING BACKWARDS? YES.
19 [REDACTED] OKAY. AND, UM, WHEN YOU WERE FIRING THE ROUNDS, HOW MANY
20 ROUNDS DO YOU THINK YOU FIRED?
21 EK: SIXTEEN.
22 [REDACTED] WERE YOU AWARE YOU, YOU FIRED SIXTEEN ROUNDS?
23 EK: I WAS AWARE THAT I EMPTIED THE MAGAZINE AND, AND PRIOR TO
24 MY SHIFT I CHECKED MY DUTY WEAPON AS WELL AS THE, THE
25 CHAMBER SO I KNEW I HAD A, A FULL LOADED MAGAZINE.
26 [REDACTED] OKAY.
27 [REDACTED] WERE YOU SURPRISED WHEN IT RAN DRY?
28 //

1 EK: IT WAS QUICK. UH, YOU KNOW, I WAS, I WAS SURPRISED BUT I
2 THINK THAT I WOULD, I WOULD SAY I DIDN'T KNOW IT WAS
3 GONNA RUN OUT. WHEN IT RAN OUT IT, IT, IT CAUGHT ME OFF
4 GUARD AND, UM, MY INITIAL MOVE WAS TO RELOAD MY WEAPON,
5 UH, AS FAR AS THE, THE WEAPON GOES. SO, I CERTAINLY
6 WASN'T PREPARED FOR IT AT THAT POINT. UM ...

7 [REDACTED] OKAY.

8 EK: ... TO SAY THAT I KNEW I HAD FIRED SIXTEEN ROUNDS THAT
9 RAPIDLY I, I DIDN'T. I HAD JUST WAS FIRING AS I
10 CONTINUED TO BE IN FEAR AND THE VEHICLE CONTINUED TO
11 MOVE. IT NEVER STOPPED, IT NEVER HESITATED. UH, AND I
12 CONTINUED FIRING, BELIEVING AS I DID WHEN THE VEHICLE WAS
13 POINTED TOWARDS ME AND CONTINUED ...

14 [REDACTED] UH, IT'S OKAY. _____ REAL QUICK. I JUST
15 WANNA GRAB _____.

16 EK: ... CONTINUED RIGHT BY ME. UM.

17 [REDACTED] AS FAR AS YOU KNOW, DESPITE THERE BEING SIXTEEN ROUNDS
18 FIRED OR NOT, DO YOU KNOW WHERE EACH, EACH TIME YOU FIRED
19 DO YOU KNOW WHERE THOSE ROUNDS HIT THAT CAR OR ...

20 EK: NO.

21 [REDACTED]: ... ROUGHLY?

22 EK: ROUGHLY, THE DRIVER'S SIDE DOOR AND WHAT WOULD PROBABLY
23 BE THE, AS, AS FAR AS THE LEVEL GOES, I DON'T KNOW. UH,
24 THE MUZZLE CLIMB AND, UH, WITH FIRING RAPID LIKE THAT I
25 DON'T KNOW. MY AIM WAS AT CHAKA GRAYSON AS I WAS PULLIN'
26 OFF ROUNDS, UM, THERE WASN'T A HESITATION BETWEEN FIRING
27 EACH INDIVIDUAL ROUND AND SO SPECIFICALLY WHERE THEY
28 LANDED I DON'T KNOW. I KNOW I HIT THE DRIVER'S SIDE

1 DOOR. MY FIRST ROUNDS WERE AIMED DIRECTLY THERE. AND
2 THERE'S NO DOUBT THAT THOSE ONES WERE ON TARGET.
3 ■■■ MM-MMM.
4 EK: AS I CONTINUED FIRING AND HIS VEHICLE CONTINUED MOVING
5 THEY, THEY CERTAINLY COULD'VE, THEY WERE NOT GONNA BE AS
6 SPECIFIC OR AS ON THAT INDIVIDUAL TARGET, ALTHOUGH MY
7 WEAPON AND MY ALL, MY ENTIRE ATTENTION WAS TO STOP HIM.
8 ■■■: RIGHT. DO YOU THINK AT ANY POINT THAT YOU FIRED THE
9 WEAPON, WHEN YOU'RE FIRING YOUR WEAPON THAT YOU WERE
10 SHOOTING AT THE BACK OF THE CAR? THE REAR OF THE CAR.
11 EK: NO.
12 ■■■ OKAY. AND THE ONLY, I'M JUST A LITTLE CONFUSED ABOUT
13 THIS. SO WHEN HE BACKS UP YOU WERE RIGHT HERE. WAIT,
14 FIRST HITS THE CAR, THEN HE BACKS UP, YOU'RE HERE. AND
15 YOU SAID ORIGINALLY THAT YOU STEPPED THIS WAY.
16 EK: I DID. WHEN I BEGAN FIRING I DID. AS HE WAS BACKING UP
17 ...
18 ■■■ YOU, IS THERE A POSSIBILITY YOU MOVED CLOSER HERE?
19 EK: NO. NO I WAS NEVER MORE THAN THE, THE LIKE IN FRONT OF
20 THE VEHICLE. AS HE BACKED UP, HIS VEHICLE WAS SWINGING
21 OUTWARDS. SO WHEN IT MOVED THE VEHICLE'S POINTED, SORRY.
22 WHATEVER. THE VEHICLE IS POINTING HERE.
23 ■■■ MM-MMM.
24 EK: AND I'M HERE. AS IT MOVES IT, IT ...
25 ■■■ _____.
26 EK: ... POINTS TOWARDS ME AND SO INITIALLY I WAS NOT, I WAS
27 AT A POSITION WHERE A SLIGHT STEP KEPT ME FROM BEING WHEN
28 IT MOVED. AS IT REVERSED IT WENT TOWARDS ME AND ...

1 [REDACTED] OKAY. AND THE VEHICLE WHEN IT STARTED SWINGING
2 BACKWARDS, WAS SWINGING BACKWARDS AND TURNING, AND IT
3 TURNED INTO THE CURB, NOW IT'S FACIN' IN TOWARDS THE
4 STREET MORE SOER THEN TOWARDS THE PARKED CAR, AFTER IT
5 HIT THE PARKED CAR, UM, DID THE VEHICLE COME CLOSE TO
6 STRIKING YOU THEN?
7 EK: AS IT BACKED UP?
8 [REDACTED] YEAH.
9 EK: YES.
10 [REDACTED] 'CAUSE HE WAS TURNING RIGHT? YOU SAID HE HAD TURNING
11 MOTION?
12 EK: HE WAS TURNING BUT THE, AS THE VEHICLE SWUNG OUT
13 INITIALLY, UM, INITIALLY THE VEHICLE STARTED BACKING UP
14 THE WAY IT HAD COME.
15 [REDACTED] OKAY.
16 EK: SO, MY POSITION WAS NOT IN A, IN A ...
17 [REDACTED] OH OKAY.
18 EK: ... _____ DANGER BECAUSE HIS, HE DIDN'T TURN THE
19 WHEEL AND THEN PUT IT IN REVERSE LIKE WE WOULD DO.
20 [REDACTED]: HE STARTED REVERSING AND THEN TURNING THE WHEEL?
21 EK: AND THEN TURNED IT. SO HE WAS FARTHER.
22 [REDACTED] OH OKAY.
23 EK: FARTHER BACK. OBVIOUSLY FARTHER BACK AND TURNED THEN
24 WHERE HE HAD STARTED.
25 [REDACTED] OKAY.
26 EK: AND FARTHER AWAY FROM THE CURB. AT LEAST THE LEFT SIDE
27 _____ ...
28 //

1 ■: AND THAT WOULD PUT HIM RIGHT, THAT'D PUT YOU RIGHT IN,
2 RIGHT IN THE FRONT SIDES OF HIS CAR WITH A MOTION LIKE
3 THAT. OKAY. COULD YOU DO ME A FAVOR. JUST, UM, USING
4 THIS PEN, JUST, UH, INITIAL EACH DRAWING FOR ME.

5 EK: SURE.

6 ■ AND PUT TODAY'S DATE. AND DO YOU GUYS HAVE ANY
7 QUESTIONS?

8 ■ I DO HAVE A COUPLE.

9 ■ SURE.

10 ■

11 EK: OH I'M SORRY, THE DATE.

12 ■ AND GO AHEAD.

13 ■ OKAY. SO JUST PRIOR TO FIRING YOUR WEAPON, HAD YOU GIVEN
14 CHAKA GRAYSON EVERY OPPORTUNITY POSSIBLE TO COMPLY WITH
15 YOUR ORDERS?

16 EK: YES. THE, THE SHORT ANSWER AND, AND LONGER THAN THAT
17 BASED ON HIS, THERE'S NO A FORESIGHT ON WHAT HE WAS GONNA
18 DO. IT PROBABLY WAS CLEAR TO ME THEN AND SHOULD'VE BEEN
19 MORE CLEAR TO ME THAT IN THAT POSITION AND HIM PUTTING IN
20 ALL THOSE THINGS THAT HAPPENED INSTANTANEOUSLY I PROBABLY
21 GAVE HIM TOO MANY OPPORTUNITIES BECAUSE I WAS A STEP
22 AWAY, NOT A COMMAND AWAY, I WAS A STEP AWAY FROM BEING
23 RUN OVER WITH THE FRONT LEFT SIDE, INCLUDING TIRE AND
24 BUMPER AND ALL THOSE THINGS, OF HIS VEHICLE. HAD I GIVEN
25 HIM A SECOND MORE, HAD I NOT REACTED THE WAY I DID AND
26 WAS ABLE TO GET OUT OF THE WAY, HE WOULD'VE HIT ME.
27 THERE'S NO DOUBT IN MY MIND THAT HE WOULD'VE RUN ME OVER
28 AND PROBABLY KILLED ME. SO YES I GAVE HIM EVERY

1 OPPORTUNITY AND I PROBABLY GAVE HIM TOO LONG. YOU KNOW,
2 I, I MAYBE HAD ANOTHER SECOND IN THERE WHERE I COULD'VE
3 TAKEN AN EXTRA STEP TO PRESERVE MY OWN SAFETY THAT I
4 DIDN'T DO. AND FOR WHATEVER REA-, YOU KNOW, MAYBE I JUST
5 DIDN'T BELIEVE HE WAS GONNA DO IT UNTIL HE DID IT. AND
6 IN THAT BLINK OF AN EYE I WAS, I WAS LATE. BUT HE HAD
7 EVERY OPPORTUNITY FROM THE MOMENT I DROVE BY HIM TO BE
8 LAW ABIDING AND COMPLY WITH MY INSTRUCTIONS AND HE HAD
9 EVERY INTENTION OF NOT DOING THAT AND THERE'S NO DOUBT IN
10 MY MIND, UH, ABOUT THAT.

11 [REDACTED] DID YOU FEEL THAT YOU HAD THE OPTION OF USING LESS LETHAL
12 FORCE?

13 EK: NO.

14 [REDACTED] WHY NOT?

15 EK: THERE WAS NO OPPORTUNITY, NOR WAS THERE AN EFFECTIVE WAY
16 FOR ME TO STOP HIM AND HIS VEHICLE. UM, WE ARE ARMED
17 WITH A TASER, PEPPER SPRAY AND, AND A COLLAPSIBLE BATON.
18 NONE OF THOSE THINGS COULD'VE BEEN DEPLOYED EFFECTIVELY
19 TO STOP A VEHICLE OR TO STOP A SUSPECT WHO WAS INTENT ON
20 HURTING ME AND GETTING AWAY. A COMBINATION OF ALL THOSE
21 THINGS MAYBE CAN STOP A DRIVER OF A VEHICLE BUT NOT IN,
22 NOT IN THAT SITUATION. I MEAN YOU CAN BREAK A WINDOW
23 WITH AN ASP. YOU CAN TASE SOMEONE TO STOP HIM. YOU CAN
24 PEPPER SPRAY SOMEONE. YOU CAN'T DO THOSE THINGS IN, IN
25 THE INSTANT. YOU CERTAINLY CAN'T TRANSITION FROM A
26 FIREARM TO THREE OTHER WEAPONS. YOU KNOW, IT'S, IT'S
27 IMPOSSIBLE. THERE WAS NOTHING ELSE I COULD'VE DONE. NO
28 OTHER WAY TO STOP WHAT HE WAS TRYING TO DO. UH, OR TO

1 PROTECT MY OWN SAFETY FR-, FROM WHAT HE WAS GONNA DO.
2 UH, THERE'S, THERE'S NOTHING. NO OTHER OPTION.
3 [REDACTED] OKAY.
4 [REDACTED] S-, ONE, JUST REMINDED ME OF A FOLLOW-UP. WHEN YOU FIRST
5 PUT YOUR LIGHTS ON AND HE'S GETTING OUT OF THE CAR DID HE
6 S-, DO YOU THINK HE SAW YOU AS A DEPUTY THEN? DID, IS
7 THERE ANY WAY YOU COULD TELL THAT HE SAW YOU THAT YOU
8 WERE TRYING TO MAKE CONTACT WITH HIM, OTHER THAN YOUR
9 VOICE?
10 EK: YES. UH, HE, HE LOOKED AT ME.
11 [REDACTED] OH HE DID LOOK.
12 EK: WHEN HE EXITED THE PASSEN-, WHEN HE TOOK THAT HALF STEP
13 HE WAS LOOKING RIGHT AT ME AND I THINK I, MY BELIEF IS
14 THAT IN HIM SEEING ME OUT OF MY VEHICLE, 'CAUSE AS SOON
15 AS I SEE THAT DOOR CRACK I, MY BELIEF IS I'D ALREADY
16 BELIEVED HE WAS GONNA TRY AND RUN. HE WAS CERTAINLY
17 TRYING TO AVOID CAPTURE OR DETENTION OR WHATEVER IT WAS.
18 AS SOON AS THAT DOOR CRACKS, I KNOW WHAT HE'S GOING TO DO
19 AND HE KNOWS THAT WHEN I GET OUT OF THE VEHICLE, HE KNOWS
20 THAT WHEN I GOT OUT OF THE VEHICLE AND LOOKS AT ME IF
21 HE'S GONNA RUN, I'M GONNA RUN AND HE DOESN'T HAVE THAT
22 HEAD START MAYBE HE THOUGHT HE WAS GONNA HAVE AS I WAS
23 REPOSITIONING MY VEHICLE. SO MY BELIEF IS INITIALLY HE
24 WAS GONNA RUN ON FOOT AND UPON SEEING MY VEHICLE OPEN IN
25 AN INSTANT.
26 [REDACTED]: AND WHY DID YOU THINK HE WAS THINKING ABOUT RUNNING ON
27 FOOT?
28 EK: BECAUSE HE WAS GETTING OUT OF THE VEHICLE?

1 ■ AND WHAT SIDE OF THE VEHICLE WAS GETTING OUT OF?
2 EK: THE PASSENGER SIDE.
3 ■ OKAY. AND YOU SAID WHEN YOU CONTACTED THE VEHICLE, I
4 MEAN YOU SAW IT, WALKED UP TO THE VEHICLE, SAW THE
5 VEHICLE, THE VEHI-, THE WINDOWS WERE UP OR DOWN?
6 EK: UP.
7 ■ OKAY.
8 EK: UP. UM, SO HE WAS OUT OF THE ...
9 ■ ARE YOU PRETTY SURE THAT HE HEARD YOUR COMMANDS?
10 EK: I AM ONE HUNDRED PERCENT SURE. I DON'T WANNA YELL AT YOU
11 BUT.
12 ■ NO, THAT'S ALRIGHT, IT'S ALRIGHT.
13 ■ _____
14 EK: AS LOUD AS I CAN YELL.
15 ■ YOU, YOU WERE ...
16 ?: _____
17 ■ ... USING COMMAND PRESENCE I TAKE IT?
18 EK: AS MUCH AS I HAVE.
19 ■ OKAY. UM, ANYTHING ELSE?
20 ■ I DON'T THINK SO. AS, AS THE VEHICLE DROVE PAST YOU DO
21 YOU RECALL WHAT HE WAS DOING THEN? AFTER YOU BEGAN
22 FIRING, DO YOU RECALL WHAT HE WAS DOING INSIDE THE CAR?
23 COULD YOU TELL?
24 EK: I REMEMBER SEEING HIS LEFT ARM ON THE STEERING WHEEL AND
25 THAT'S, THAT'S IT. I KNOW HE WASN'T DUCKING BECAUSE HIS,
26 I DIDN'T SEE HIM GET OUT OF SIGHT. I COULD SEE HIM THE
27 WHOLE TIME DRIVING THE VEHICLE. UM, THE REASON I SAY I
28 DON'T KNOW IF I HIT HIM THERE WAS NOTHING TO INDICATE

1 THAT, THERE WAS NO JERKING MOTION OR CRASHIN' INTO MORE
2 CARS OR, UH, NOTHING TO INDICATE THAT I HIT HIM, UH, AT
3 THAT POINT. I BELIEVED I HAD. UM, BUT THERE WAS, THERE
4 WAS NO OTHER SPECIFIC MOTION IN THAT AND VERY BRIEF TIME
5 THAT I, THAT I SAW.
6 ■ OKAY. VERY GOOD. I THINK WE'RE DONE. CAN I GET
7 BUSINESS CARDS FROM YOU TWO?
8 ■ SURE.
9 ■ JUST SO I DON'T ...
10 ■ ABSOLUTELY.
11 ■ WHEN I STUCK YOUR NAMES IN THE ...
12 ■: YEAH.
13 ■ ... UH, REPORT. THANK YOU VERY MUCH. APPRECIATE IT.
14 GOOD LUCK WITH EVERYTHING.
15 EK: THANK YOU.
16 ■: OXYGEN _____ THE ROOM. WHAT DO YOU THINK?
17 ■: YEAH.
18 ■ (LAUGHS)
19 ■ ALRIGHT.
20 ■ GOSH. THIS NEW SET UP I'M NOT SURE IF I'M A BIG FAN OF
21 THAT _____.
22 ■ YEAH. THERE YOU GO.
23 ? : HEY GOOD JOB, MAN.
24 ■ THANK YOU SO MUCH.
25 ■: YOU'RE WELCOME.
26 ? : _____ ON YOUR SIDE.
27 ■: THANK YOU VERY MUCH. I APPRECIATE WHAT WORK YOU GUYS DO
28 AS WELL.

1 [REDACTED] OH GREAT.

2 [REDACTED] THANK YOU.

3 [REDACTED]: THANK YOU. YEAH IT'S _____ ...

4 [REDACTED] SO, WHO'S ...

5 (END OF CD)

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1
2 INTERVIEW WITH MARIN COUNTY SHERIFF'S DEPUTY EVAN KUBOTA
3 INTERVIEWED BY SERGEANTS [REDACTED] AND [REDACTED] MARIN COUNTY
4 SHERIFF'S OFFICE
5

6 [REDACTED] OKAY IT IS AH JANUARY 2, 2014, AT 10:06 AM. WE ARE IN
7 THE INVESTIGATIONS OFFICE AND I AM HERE AH SERGEANT
8 [REDACTED] HERE WITH SERGEANT [REDACTED] AND DEPUTY
9 EVAN KUBOTA AND...

10 [REDACTED]
11 [REDACTED] ...AND YOU'RE REP...REPRESENTING...

12 [REDACTED] EVAN, RIGHT.

13 [REDACTED] ...DEPUTY KUBOTA. OKAY SO AHM I THINK THE EASIEST WAY
14 TO DO THIS IS JUST WHAT...TO HAVE YOU GIVE AHM A
15 GENERALIZED NARRATIVE OF WHAT HAPPENED. YOU CAN START
16 FROM WHATEVER POINT AHM I, I, I NEED YOU TO START FROM
17 THE POINT AHM THAT YOU TURNED ON TO TERNERS DRIVE BUT
18 IF YOU NEED TO START EARLIER THAN THAT FOR MEMORY
19 RECALL OR SOMETHING LIKE THAT, THAT'S COOL WITH ME SO.

20 EK OKAY AHM I'LL GET TO THAT POINT QUICK. THE I GUESS
21 ANYTHING RELATED TO THIS AH EARLIER IN THE, IN, IN THAT
22 SHIFT AHM I HAD AH, AH DEPUTY [REDACTED] AND AH DEPUTY
23 [REDACTED] HAD BACKED ME ON A TRAFFIC STOP AH AT THE AH
24 BAIT SHOP. AH AT THAT TIME, AFTER CLEARING THE TRAFFIC
25 STOP, AHM HE TOLD ME THAT THEY HAD BEEN PARKED AT THE

1 BAIT SHOP, WHICH WAS ADJACENT TO WHERE MY STOP WAS TO
2 AH TRY AND CATCH CHAKA GRAYSON DRIVING. THEY KNEW HE
3 WAS SUSPENDED AND AH APPARENTLY A VEHICLE THAT THEY
4 WERE FAMILIAR, AH SEAN WAS FAMILIAR WITH HIM DRIVING,
5 HAD BEEN PARKED AT THE BAIT SHOP SO THEY ASSUMED HE WAS
6 GONNA BE LEAVING THERE IN THE VEHICLE AND THEY COULD
7 MAKE A STOP.

8 [REDACTED] OKAY.

9 EK

10 AHM AND SO AH AND I HAD, ACTUALLY I HAD SEEN CHAKA
11 GRAYSON EARLIER IN THE 200 LOT JUST KIND A WA...WALKING
12 AROUND. AHM DIDN'T HAVE ANY CONTACT WITH HIM I WAS
13 DRIVING THROUGH AH BUT THAT WOULD BE AH YOU KNOW MY
14 KIND OF CONTACT WITH HIM TO THAT POINT THAT DAY AND
15 THEN THE INFORMATION THAT HE WAS SUSPENDED YOU KNOW
16 CAME THROUGH THAT WAY AH FROM DEPUTY [REDACTED] AHM
17 AND IT WAS JUST TO CONTINUE, THERE WAS ANOTHER...THEY
18 MADE A TRAFFIC STOP AND I WAS JUST DRIVING AROUND
19 AFTER THAT. AH SO AHM ON MY PATROL AH I TURNED ON
20 TO...IT WAS PROBABLY RIGHT AROUND SIX O'CLOCK, AH I
21 TURNED ON TO AH, AH TERNERS FROM DONAHUE AHM AND
22 OBSERVED AS I WAS DRIVING UP TERNERS, I OBSERVED THE
23 VEHICLE. TURNED RIGHT FROM TERRACE ON TO DONAHUE AND
24 DOWN THE HILL TOWARDS FERN, FROM TERRACE ONTO TURNERS
25 AH TOWARDS DONAHUE. AHM I WATCHED AS THE VEHICLE MADE
THE TURN. THAT WAS THE ONLY OTHER VEHICLE ON THE ROAD

1 AT THAT TIME, AND IT MADE A VERY DRASTIC AH RIGHT TURN
2 TO THE CURB. AH THE TERM SOMETIMES USED IS GRABBING A
3 CURB AH AND ON THE STREET SO THAT THEY CAN'T GET
4 STOPPED OR YOU KNOW NO VEHICLE CODE VIOLATION, THINGS
5 LIKE THAT.

6 [REDACTED] RIGHT.

7 EK

8 AH SO IT'S, IT'S AN ACTION AND ESPECIALLY ONE IN THAT
9 DRAMATIC OF A FASHION IN THAT AREA WHERE THERE'S NO
10 REAL REASON TO PARK ON THE SIDE OF THE STREET AH YOU
11 KNOW THERE'S OTHER PARKING AREAS THAT YOU WOULD GO TO,
12 TO ACCESS THE BUILDING OR TO ACCESS THE PARKS YOU KNOW
13 UNLESS YOU'RE JUST LEAVING YOUR CAR THERE, WHICH PEOPLE
14 DO AH THEY DON'T GENERALLY PARK THERE.

15 [REDACTED] YEAH.

16 EK

17 BUT THE MOVEMENT IN ITSELF WAS PRETTY DRAMATIC AND SO
18 CAUGHT MY ATTENTION WHETHER FAMILIAR WITH THE VEHICLE
19 AT ALL AT THAT POINT. AHM AH SO I CONTINUED UP AH
20 TERNERS AH AND AS I LOOKED AT THE VEHICLE AH TO JUST
21 INVESTIGATE YOU KNOW WHO MAY BE DRIVING IT OR WHAT WAS
22 GOING ON, WHY IT YOU KNOW HAD, HAD MADE THAT RIGHT TURN
23 TO THE CURB AH I SAW AH CHAKA GRAYSON AH SITTING IN THE
24 VEHICLE. HE WAS THE ONLY OCCUPANT IN THE VEHICLE. AH
25 I RECOGNIZED HIM FROM PREVIOUS CONTACTS, AH KNEW HE WAS
ON PAROLE, HAD HEARD EARLIER IN THE DAY THAT HE WAS AH
WAS YOU KNOW HAD A SUSPENDED LICENSE, AH HAD SEEN HIM

1 OUT EARLIER IN THE DAY SO KNEW WHO HE WAS, KNEW HE WAS
2 SUSPENDED, PROBABLY DOING SOMETHING HE WASN'T SUPPOSED
3 TO, EVEN IF IT WAS JUST DRIVING. AHM AND THEN HE WAS
4 SEATED IN THE PASSENGER SEAT OF THE VEHI...HE HAD SLID
5 OVER AND HE WAS THE ONLY PERSON...HE WAS, THERE, NO ONE
6 HAD GOTTEN OUT OF THE VEHICLE IN MY VIEW HADN'T BEEN
7 INSTRUCTED. SO HE HAD DRIVEN IT, PARKED IT THERE AND
8 MOVED OVER TO THE PASSENGER SEAT. SO IT WAS PRETTY
9 CLEAR AT THAT POINT HE WAS IN VIOLATION OF THE LAW AH
10 IF HE WAS...IF, IN FACT HIS LICENSE WAS SUSPENDED, WHICH
11 I HAD YOU KNOW BELIEF IT WAS. I KNEW HE WAS ON PAROLE
12 SO I COULD CONTACT HIM. AH I WENT TO TURN MY PATROL
13 VEHICLE AROUND AH TO GET BEHIND HIM. I ACTIVATED MY
14 LIGHTS AH BECAUSE OF THE YOU KNOW WHERE I HAD PASSED
15 HIM IN THE ROADWAY AND THINGS LIKE THAT I WASN'T ABLE
16 TO EXECUTE A COMPLETE TURN. AHM SO THE I, I WENT TO
17 MAKE A TURN AND WAS GONNA HAVE TO RE-ADJUST TO BACK UP
18 AH AND COMPLETE THE TURN TO GET BEHIND HIS VEHICLE.
19 AHM SO MY VEHICLE WAS POINTED AT AN ANGLE AH PROBABLY
20 A COUPLE OF CAR LENGTHS AH BEHIND HIM, POINTED AT THE,
21 THE CURB HE WAS UP AGAINST. THE FRONT OF MY VEHICLE
22 WAS POINTED AT AN ANGLE TOWARDS THE CURB. AH MY PLAN
23 AT THAT POINT WAS TO PUT THE VEHICLE IN REVERSE, AH GET
24 BEHIND IT, CALL OUT LIKE A TRAFFIC STOP AHM BUT AS I
25 WAS STILL PARKED FACING THE CURB, THE PASSENGER DOOR OF

1 THE AH GOLD VEHICLE BUICK OPENED AND AH CHAKA STEPPED
2 OUT. AH HE BASICALLY STOOD UP ON ONE FOOT LIKE HE
3 WAS GONNA GET OUT OF THE VEHICLE. AH EM BASED ON HIS
4 SUSPICIOUS ACTIONS AT THAT POINT, IT WAS MY BELIEF THAT
5 HE WAS GONNA RUN. YOU KNOW HE HAD NO REASON JUST TO
6 GET OUT OF THE VEHICLE LIKE THAT. CERTAINLY HE HAD NO
7 REASON TO SLIDE OVER TO THE PASSENGER SEAT. ALL THESE
8 THINGS THAT CAME INTO PLAY. AH SO I IMMEDIATELY EXITED
9 MY VEHICLE. SO IT WAS PARKED AT THAT ANGLE WITH THE
10 LIGHTS ON AND ORDERED HIM TO STOP AH BY NAME, 'CAUSE I
11 KNEW WHO HE WAS. AH HE IMMEDIATELY GOT BACK INTO THE
12 VEHICLE AH DOVE AH EM ACROSS THE, THE FRONT SEAT, WHICH
13 WAS A BENCH SEAT, AH, AH DOVE ACROSS THAT FRONT SEAT
14 AND WAS OUT OF SIGHT. I COULDN'T SEE HIM. AH EM SO I
15 AH APPROACHED THE VEHICLE FROM THE AH DRIVER'S SIDE
16 REAR WITH MY WEAPON DRAWN, AH EM ORDERING HIM TO SHOW ME
17 HIS HANDS AH BY NAME, TELLING HIM AH YOU KNOW LET ME
18 SEE YOUR HANDS, LET ME SEE YOUR HANDS, AH STOP RIGHT
19 THERE. I DIDN'T KNOW IF HE WAS GONNA RUN AGAIN. AH EM
20 AS I WALKED AH WITH MY WEAPON DRAWN PAST THE DRIVER'S
21 AH DOOR, I COULD SEE THAT HE LAID OVER, HIS HAND WAS
22 UP, HE HAD STARTED THE CAR AH WHILE I WAS APPROACHING.
23 I COULDN'T SEE HIS OTHER HAND. AH EM AT THAT POINT, HE
24 WASN'T MAKING EYE CONTACT WITH ME. AH I WAS ORDERING
25 HIM TO STOP AH AND AH EM HE SAT UP IN THE VEHICLE AS I

1 WAS WALKING BY. I WALKED AH PROBABLY TO WHERE THE
2 FRONT DOOR MEETS THE FRONT FENDER AH WHERE THE
3 WINDSHIELD COMES DOWN. AHM AND SO I HAD MY WEAPON
4 POINTED AT HIM, AH WAS ORDERING HIM TO STOP, SHOW ME
5 HIS HANDS. AH HE LOOKED AT ME BUT WAS CLEARLY NOT
6 OBEYING MY COMMANDS. AH HIS HANDS WERE FOCUSED ON
7 SITTING UP AND, AND THEN PUTTING THE VEHICLE IN DRIVE.
8 AHM HE DEFINITELY LOOKED AT ME, IT WAS VERY CLEAR THAT
9 HE SAW ME AND I SAW HIM AND I WAS ORDERING HIM TO STOP,
10 THAT MY WEAPON WAS DRAWN. AHM AH HE PUT THE VEHICLE
11 IN DRIVE AHM WHILE MY WEAPON WAS POINTED AT HIM, WHILE
12 I WAS ORDERING HIM TO STOP. AHM AT THAT WOULD BE, THE
13 ESCALATION AT THAT POINT WAS WELL PRETTY DRAMATIC IN
14 THAT FIRST FEW SECONDS BECAUSE I HAD GONE FROM SOMEBODY
15 YOU KNOW WHO WAS GONNA BE A AH CONTACT, A PAROLE
16 CONTACT TRAFFIC STOP YOU KNOW TO ALL OF A SUDDEN, THIS
17 GUY'S GONNA RUN, WHICH IS ONE LITTLE THINGS TO NOW HE'S
18 BACK IN THE VEHICLE. I DON'T KNOW IF HE'S GETTING A
19 WEAPON, I DON'T KNOW IF HE'S HIDING SOMETHING AHM AND
20 NOW HE'S PUTTING THE VEHICLE IN DRIVE. SO IT'S,
21 IT'S...BY STARTING THE VEHICLE, IT WAS CLEAR HE WAS
22 PLANNING ON FLEEING. AHM HOW HE WAS GONNA GO ABOUT
23 DOING THAT, I DIDN'T KNOW. AH AND WHETHER OR NOT HE
24 HAD GOT A WEAPON, WHETHER...ALL THOSE THINGS KIND A, I
25 DIDN'T KNOW. AHM HE PUT THE VEHICLE IN DRIVE AND AH

1 ACCELERATED RAPIDLY FORWARD. AT THAT POINT, AHM I AH
2 TOOK A, A, A STEP BACKWARDS FROM THE VEHICLE AH BECAUSE
3 HE WAS GOING TO THE LEFT. THERE WAS A SEDAN PARKED IN
4 FRONT OF HIM, PROBABLY FIVE FEET MAYBE AH BETWEEN HIS
5 CAR AND THIS OTHER SEDAN THAT HAD BEEN PARKED THERE.
6 AH SO HE PUT THE VEHICLE IN DRIVE AH AND AH
7 ACCELERATED, TURNED THE WHEEL TO THE LEFT AH SO I HAD
8 TO STEP BACK TO AVOID BEING HIT AHM WITH THE SIDE OF
9 THE VEHICLE, MAYBE THE TIRE OR JUST THE SIDE OF THE
10 VEHICLE WHEN HE, WHEN HE MAKES THE TURN. AH HE RAN
11 INTO THE BACK OF THE SEDAN THAT WAS PARKED IN FRONT OF
12 HIM WITH HIS RIGHT FRONT FENDER AH AGAINST THE, THE
13 LEFT REAR FENDER OF THE SEDAN SO HE WASN'T ABLE TO
14 COMPLETE THE TURN. AHM I WAS STILL ORDERING HIM TO
15 STOP. AT THAT POINT, HE WAS AH HE WAS IN AHEAD OF ME
16 AHM HIS VEHICLE AND, AND HIM, WHERE HE WAS SEATED WAS
17 AHEAD OF ME. SO HAD HE MADE THAT TURN AND DRIVEN OFF,
18 I WOULD HAVE GONE BACK TO MY VEHICLE AND PURSUED HIM
19 AHM BUT HE WASN'T ABLE TO COMPLETE THE TURN. AH I
20 STILL HAD MY WEAPON DRAWN AH THROUGHOUT THE ENTIRE
21 THING, WAS ORDERING HIM TO STOP, STOP THE VEHICLE. HE
22 THEN PUT THE VEHICLE IN REVERSE AH AND BACKED UP AH SO
23 THAT HE COULD I GUESS GET CLEARANCE FOR AH HIS VEHICLE
24 TO, TO MAKE THE TURN. AHM HE BACKED UP AND AS HE
25 MOVED THE VEHICLE AH BACKWARDS, HE SWUNG THE REAR END

1 TOWARDS THE CURB AND THE FRONT END OF THE VEHICLE AH
2 WAS POINTED AT ME AHM BECAUSE I HADN'T BEEN ABLE TO,
3 TO MOVE TO A SAFER POSITION. AH AT THAT POINT, I WAS
4 LOOKING DIRECTLY AT HIM AHM IN THE VEHICLE AND HE WAS
5 BASICALLY IN FRONT OF ME. AH HE PUT THE VEHICLE BACK
6 IN DRIVE AH AND TURNED THE WHEEL BACK TO THE LEFT AND
7 ACCELERATED. AHM I HAD TO STEP OUT OF THE WAY TO
8 AVOID BEING HIT. THERE WAS, THERE WAS NO QUESTION THAT
9 HE WAS GONNA HIT ME WITH THE VEHICLE HAD I NOT MOVED.
10 AH THERE WAS NOT A...THERE WAS NO OTHER WAY ABOUT IT.
11 AHM HE COULDN'T OF AVOIDED ME, HE COULDN'T OF STOPPED
12 THE VEHICLE. SO I, I STEPPED OUT OF THE WAY. AT THAT
13 POINT, I DIDN'T KNOW IF HE...MY BELIEF WAS HE WAS TRYING
14 TO HIT ME, HE WAS GOING TO HIT ME AND I DIDN'T KNOW IF,
15 IF HE WAS GONNA CONTINUE AND TRY AND ASSAULT ME WITH
16 THE VEHICLE AS IT'S ESCALATING AT THAT POINT. IF HE
17 WAS GOING TO CONTINUE TURNING TO GO UP TER...OR UP
18 TERNERS AHM I, I CAN'T SPEAK TO HIS MINDSET. AH WHAT
19 I CAN SAY IS THAT I WAS IN DANGER OF BEING HIT IF HE
20 CONTINUED TURNING, OF BEING HIT IF HE DECIDED TO PUT
21 THE VEHICLE IN REVERSE OR TURN AROUND AND COME AFTER
22 ME. I WAS VULNERABLE IN THE MIDDLE OF THE STREET, NOT,
23 NOT A, NOT A GREAT POSITION TO BE IN AH AND, AND
24 CERTAINLY AT A DISADVANTAGE AH TO THE VEHICLE. AH
25 BASED ON HIS ACTIONS, AH I BEGAN FIRING AT THE VEHICLE

1 OR FIRING AT HIM IN THE VEHICLE RATHER AHM TO TRY AND
2 STOP HIM AH BECAUSE I HAD AH NOT ONLY HAD HE CLEARLY
3 TRIED TO ASSAULT ME, AH THE THREAT WAS STILL VERY
4 PRESENT AND ALL THOSE UNKNOWNNS LED ME TO BELIEVE THAT
5 HE WAS TRYING TO RUN ME OVER AH TO AVOID BEING ARRESTED
6 AT THAT POINT. AH AND SO AH I BEGAN FIRING AT THE
7 VEHICLE. AHM I CONTINUED FIRING AS HE DROVE AH BESIDE
8 ME AH AND AH AS HE CONTINUED DRIVING DOWN AH TERNERS.
9 AGAIN, MY BELIEF AT ANY POINT IN THAT, HE COULD HAVE
10 TURNED AROUND OR PUT THE VEHICLE IN REVERSE AND MY
11 POSITION OF, OF DISADVANTAGE IN THOSE FEW SECONDS WAS
12 PRETTY SIGNIFICANT. AHM AND SO, THOUGH BEING IN
13 DANGER AH AND HAVING HIM OR GE...SHOWING THAT HE WAS
14 WILLING TO RUN ME OVER, AH I CONTINUED TO FIRE AHM AH
15 BOTH TO, TO, TO TRY AND PROTECT MYSELF AH FROM
16 SUSTAINING FURTHER INJURY AND, AND TO AH YOU KNOW TO
17 ASSIST IN HIS CAPTURE. AT THAT POINT, HE WAS A, A
18 FELON, A VIOLENT FELON AND, AND WHETHER HE WOULD YOU
19 KNOW ALL THOSE THINGS COME INTO PLAY ABOUT HOW, HOW
20 YOU'RE GONNA CAPTURE A GUY WHO APPARENTLY DOESN'T CARE
21 ABOUT KILLING POLICE OFFICERS AH KILLING ME. AHM SO I
22 CONTINUED FIRING AS HE DROVE PAST MY LOCATION. AH I
23 BELIEVE MY LAST AH ROUND HE WAS, HE WAS PAST ME BUT
24 STILL RELATIVELY CLOSE. AH AND HE CONTINUED AH DRIVING
25 DOWN TERNERS DRIVE. AHM MY WEAPON RAN DRY WHEN HE WAS

1 WITHIN PROBABLY TEN TO 15 FEET OF ME AH AND HE WAS
2 STILL ACCELERATING AS FAST AS HE COULD GO, I'M SURE AH
3 DOWN TERNERS. SO I AH CONTINUED DOWN TERNERS AH
4 AFTER THE VEHICLE AH AND, AND TO THE SIDE OF THE ROAD
5 AH TO TRY AND MAINTAIN VISIBILITY ON THE VEHICLE AS IT
6 LEFT. AH I TRIED CALLING OUT AT THAT POINT, CALLING
7 OUT SHOTS FIRED ON MY RADIO. AH UNDERSTANDABLY, IT WAS
8 GARBLED AND SO I RAN ALL THE WAY DOWN TO AH THE END OF
9 TERNERS. AH HE HAD MADE A RIGHT ON TO DONAHUE AND THAT
10 WAS PRETTY FAR AHEAD OF ME. I HAD LOST SIGHT OF THE
11 VEHICLE BUT I RAN ALL THE WAY DOWN TO TERNERS AND
12 DONAHUE AND THERE WAS A...WHEN I TURNED ON TO DONAHUE,
13 THE VEHICLE WAS GONE, I DIDN'T HAVE ANY VISIBILITY ON
14 IT AT ALL BUT A, A MALE SUBJECT WHO WAS ON THE OTHER
15 SIDE, KIND OF BY THE AH THE SOUTHBOUND OFF-RAMP OF
16 101, POINTED TOWARDS AH DRAKE AVENUE AH SAYING THE
17 VEHICLE HAD GONE THAT WAY. AH SO I AH GOT ON MY
18 RADIO AH THEY HAD BEEN ASKING WHAT WAS GOING ON. I GOT
19 ON MY RADIO AND GAVE THE DESCRIPTION OF AH THAT CHAKA
20 GRAYSON TRIED TO RUN ME OVER, THE SHOTS FIRED, OF THE
21 VEHICLE DESCRIPTION AND THAT IT AH HAD TURNED ON DRAKE
22 AVENUE AND AH TO LOCK DOWN THE CITY BECAUSE I KNEW HE
23 WAS IN THE CITY SOMEWHERE AND AT LEAST FROM THE
24 PERSON'S POINTING SO. IF WE WERE ABLE TO LOCK DOWN THE
25 EXITS, HE'D BE THERE AH FOR CAPTURE. AH I MADE MY

1 WAY BACK UP AH TO MY VEHICLE. PEOPLE HAD, SOME PEOPLE
2 HAD COME OUT AT THAT POINT, AHM KIND OF WONDERING WHAT
3 WAS GOING ON I GUESS. AH I MADE MY WAY BACK UP TO MY
4 VEHICLE AH AND AH MOVED IT TO AHM..AS I WAS WALKING UP
5 TERNERS, AH THERE WERE VEHICLES COMING DOWN TERNERS.
6 THEY HAD COME OFF OF AH TERRACE I GUESS AND SO
7 REALIZING THAT THEY WERE DRIVING THROUGH A CRIME SCENE
8 AH I MOVED MY VEHICLE ACROSS THE ROADWAY TO BLOCK IT AH
9 AS BEST AS POSSIBLE YOU CAN WITH ONLY ONE VEHICLE AHM
10 SO THAT PEOPLE WOULDN'T BE DRIVING. AHM SO I GOT
11 THERE, WAS TRYING TO PROTECT THE SCENE. AH AT THAT
12 POINT, I THINK THE FIRST PERSON AH TO ARRIVE AFTERWARDS
13 WAS AH DEPUTY [REDACTED] AND HE CAME FROM AH THE TERNERS,
14 THE TERN..AH THE TERRACE SIDE RATHER TO ASK ME WHAT HAD
15 HAPPENED, AHM WHAT I NEEDED HIM TO DO. I TOLD HIM YOU
16 KNOW THAT AH CHAKA GRAYSON TRIED TO RUN ME OVER, THAT I
17 NEEDED HIM TO BLOCK THE LOWER END OF, OF TERNERS. AHM
18 I GUESS I KIND A MEANT FOR HIM TO DRIVE THROUGH IT AND
19 BLOCK THE LOWER END AH SO HE'D BE THERE BUT HE WENT AH
20 HE MUST HAVE GONE THE LONG WAY ALL THE WAY DOWN TO
21 PHILLIPS AHM BECAUSE HE DROVE OFF. AND THEN ANOTHER
22 OFFICER AH FROM SAUSALITO AH DROVE, BASICALLY, I WAS
23 STANDING IN THE CRIME SCENE, HE DROVE RIGHT NEXT TO ME
24 SO HE DROVE THROUGH IT AS WELL AND ASKED ME YOU KNOW
25 WHAT I NEEDED HIM TO DO AND I ASKED HIM TO, TO HELP

1 BLOCK THE ROADWAY AS WELL. AH SO HE AND SO HE MOVED
2 HIS VEHICLE AND THEN [REDACTED] ARRIVED AT THE AH AT THE
3 BOTTOM TO BLOCK IT OFF. AHM I KNOW THAT THERE, I
4 CAN'T SAY WHAT THE RADIO TRAFFIC WAS AS FAR AS
5 EVERYBODY COMING IN TO THE CITY BUT A LOT OF PEOPLE
6 RESPONDED AH PRETTY QUICKLY. AHM AND I'M TRYING TO
7 THINK IF IT WAS SERGEANT, I KNOW SERGEANT [REDACTED] ARRIVED
8 ON SCENE AHM AND WANTED US TO TAPE OFF THE CRIME
9 SCENE. A CROWD HAD GATHERED AT AH THE CORNER OF THE
10 PARK THERE, BASICALLY, WHERE THE OTHER VEHICLE HAD BEEN
11 PARKED. AHM WE WERE TRYING TO KEEP THEM BACK TO
12 PRESERVE THE SCENE. THEY WERE IN THE STREET TAKING
13 PHOTOS AND DOING ALL SORTS OF STUFF AHM SO WE WENT TO
14 PUT POLICE TAPE OUT AH AND WHILE WE WERE ON THE WESTERN
15 SIDE OF, IT WASN'T THE WESTERN SIDE, THE OPPOSITE SIDE
16 OF, OF AH TERNERS AH TRYING TO PUT THE TAPE OUT, AHM I
17 TURNED, I HAD MY BACK TO THE CROWD AND AS I TURNED
18 THERE WASN'T REALLY A REASON I THINK I WAS JUST
19 LOOKING, [REDACTED]
20 [REDACTED] [REDACTED] I WAS I GUESS
21 FORTUNATE. [REDACTED]
22 [REDACTED] AND I WENT AND PICKED UP
23 AND PUT IT IN THE TRUNK. I THINK IF I HADN'T TURNED
24 AROUND, [REDACTED]
25 [REDACTED]...

1 ■ MM MM.

2 EK ...WHATEVER MADE ME TURN AROUND WAS AH KIND OF FORTUNATE.
3 AHM NO IDEA WHO THREW IT, AH IT CAME FROM THE
4 DIRECTION OF THE CROWD SO SOMEBODY, SOMEBODY OUT THERE
5 DID IT. AHM AH SO WE PUT SOME TAPE UP. AH SERGEANT
6 AH ■, AHM AH DEPUTY ■ ARRIVED ON SCENE AS WELL
7 AND AH SERGEANT ■ HAD ME SIT WITH HIM AND TOOK MY
8 DEPARTMENT ISSUED FIREARM FROM ME AT THAT POINT. AH
9 AND DEPUTY, HAD DEPUTY ■ DRIVE ME TO THE
10 SUBSTATION. AH ■ I HAD
11 DEPUTY ■ PRINT OUT A PICTURE OF CHAKA GRAYSON TO
12 MAKE SURE I WAS CERTAIN OF WHO IT WAS AH WAS AND THEY
13 ■, DECIDED TO TAKE ME OVER
14 ■. AHM ■
15 ■ AH I DID A, ■, I DID A
16 AHM QUICK BRIEFING WITH SERGEANT ■, TELLING HIM
17 WHAT HAPPENED.

18 ■ MM MM.

19 EK AHM JUST ALL THE OFFICER SAFETY THINGS THAT, THAT
20 NEEDED TO BE DONE IF THERE WAS A WEAPON AND THINGS LIKE
21 THAT. AH SO I TOLD HIM WHAT HAD OCCURRED AND THEN THEY
22 TRANSPORTED ME TO THE HOSPITAL, SO.
23 ■ OKAY. COOL. AHM I'M GONNA ASK YOU SOME SPECIFIC
24 QUESTIONS. AHM CAN YOU TELL ME WHAT YOU KNEW ABOUT
25 CHAKA GRAYSON BESIDES WHAT YOU'VE ALREAD MENTIONED.

1 YOU KNEW HE HAD A SUSPENDED LICENSE. YOU DIDN'T
2 PERSONALLY CHECK IT, CORRECT?

3 EK THAT'S CORRECT. AH I KNEW HE WAS ON PAROLE. AHM I
4 ONLY HAD AS, AS FAR AS ACTUAL CONTACT BETWEEN ME AND
5 GRAYSON, AH I ONLY HAD ONE CALL EVER THAT, THAT DEALT
6 WITH HIM. AH HE WAS, IT WAS LIKE A CIVIL STANDY, HE
7 WAS MOVING OUT OF HIS AH WAS HIS, MAYBE HIS BABY MOMA'S
8 HOUSE OR HIS GIRLFRIEND, SOME FEMALE. AH I THINK IT
9 WAS AT 49. AH HE WAS MOVING OUT OF HER HOUSE AND THEY
10 WERE HAVING A DISPUTE OVER PROPERTY AND STUFF AND I
11 ACTUALLY HELPED HIM LOAD HIS CRAP INTO AHM...

12 ■ HOW LONG AGO WAS THAT, ESTIMATE?

13 EK MAYBE IT'S LIKE THREE MONTHS OR SOMETHING.

14 ■ OKAY A THREE MONTH PERIOD.

15 EK YEAH. AHM I CAN'T REMEMBER THE, THE, THE GIRL'S NAME
16 THAT ESCAPES ME RIGHT NOW. I ARRESTED HER BEFORE BUT I
17 HELPED HIM MOVE HER STUFF IN, INTO HER CAR. AHM HE
18 SAID HE AT THAT POINT, HE'S LIKE YOU KNOW, I REMEMBER
19 HIM SAYING (UNCLEAR) YOU WANT A SEARCH ME. IT'S LIKE
20 YOU KNOW YOU CALLED US AND I AH STUPID, AND HE GOES,
21 'CAUSE I'M FITTING FOR A SEARCH ANYWAYS. WHATEVER THAT
22 MEANT YOU KNOW HE'S, HE'S BEEN THROUGH IT. AHM WHEN I
23 WAS WORKING IN AREA II, HE WAS A, I KNOW HE WAS A, HE
24 WAS WANTED FOR SOMETHING AND I REMEMBER REVIEWING HIS,
25 HIS FILES THEN, 'CAUSE HE WAS SUPPOSED TO BE WORKING AT

1 A CAR WASH OR SOMETHING IN AREA II AND AH I DON'T
2 REMEMBER WHO WANTED HIM OR FOR WHAT AH BUT I YOU KNOW I
3 THINK THAT WAS PROBABLY THE FIRST TIME OTHER THAN MAYBE
4 HEARING HIS NAME IN PASSING WHEN I WAS IN TRAINING, YOU
5 KNOW SOMEBODY MENTIONING IT, AHM THAT I REALLY EVER
6 THOUGHT ANYTHING ABOUT HIM AH AND THAT WAS YOU KNOW
7 PROBABLY A COUPLE OF YEARS EARLIER. AHM I KNOW HE'S
8 JUST, I, I KNEW OF HIS AH ARREST IN 2010, I BELIEVE IN
9 [REDACTED]. HE HAD AH FLED AH THE
10 TRAFFIC STOP, AH GOT IN A VEHICLE PURSUIT AND CRASHING.
11 AHM YOU KNOW I HAD READ SOME OF THE REPORTS HE HAD
12 BEEN IN. AHM SO I KNEW HE WAS ON PAROLE, I KNEW HE
13 WAS A, A VIOLENT FELON. THERE, THERE WAS A..BACK IN
14 THE, A FEW YEARS AGO, WE USED TO GET THESE AH
15 PRINTOUTS, LIKE CRIMINAL HISTORY PRINTOUTS. THEY SEND
16 OUT AN EMAIL, I DON'T KNOW WHO DID IT, WHEN THEY WOULD
17 DO LIKE, WHEN SOMEBODY GETS RELEASED FROM, FROM JAIL,
18 THEY DO A HISTORY ON 'EM AND SEND IT TO US, JUST SO WE
19 KNEW THEY WERE OUT AND WHAT THEY WERE GONNA DO. AND I
20 REMEMBER REVIEWING THAT AND JUST, HE HAD JUST NUMEROUS,
21 IT WAS ONE OF THESE WHERE IT WASN'T LIKE HERE'S HIS
22 FIVE THINGS. IT WAS LIKE THEY SAID THERE ARE NUMEROUS
23 PRIOR ARRESTS FOR VIOLENT FELONIES AND IT HAD FLOWN
24 AROUND. HE WAS 415 (UNCLEAR) GANG MEMBER. AHM I KNEW
25 HE'S BEEN IN PRISON AND PAROLED. AHM I KNEW HE HAD

1 ASSAULTED DEPUTY [REDACTED] AH AT SOME POINT. AH HE HAD
2 BEEN IN LIKE A FOOT PURSUIT AND KIND A, I THINK HE RAN
3 AROUND THE CORNER OR SOMETHING AND WAITED FOR HIM AND,
4 AND GOT IN A FIGHT WITH HIM. AH AND SO I, I KNEW HE
5 WAS A BAD GUY. AH MY DEALINGS WITH HIM, VERY MINIMAL.
6 I, I SAW HIM ALL THE TIME IN MARIN CITY AND HE WAS
7 ALWAYS QUICK TO, TO CLICK, TO KIND A GET TO A DOOR AND,
8 AND GO INSIDE SOMEONE'S HOUSE AH SO ONE OF THESE GUYS
9 THAT YOU KIND A KNOW THAT IF HE'S GOT SOMETHING ON HIM,
10 HE'S GONNA, HE'S GONNA TRY AND HIDE REAL QUICK. IF HE
11 DOESN'T, HE'LL STAND THERE IN FRONT OF YOU AND SAY I'M
12 ON PAROLE, YOU WANT A SEARCH ME? HE'S BEEN AROUND LONG
13 ENOUGH TO KIND A KNOW THE GAME SO WITH THAT I, I KNEW
14 HE WAS ACTIVE AH CRIMINALLY ACTIVE AND SOMEBODY THAT,
15 TO PAY ATTENTION TO YOU KNOW IF THE OPPORTUNITY COMES
16 UP. IF I HAD SEEN HIM DRIVING EVEN NOT SUSPENDED, I
17 WOULD HAVE STOPPED HIM KNOWING HE WAS ON PAROLE. AH
18 YOU KNOW THAT'S, THAT'S AN OPPORTUNITY TO CATCH SOMEONE
19 VULNERABLE. SO AH I KNEW HE WAS ONE, ONE OF THE PEOPLE
20 IN MARIN CITY THAT, THAT AH I SHOULD BE AWARE OF AND
21 PAY ATTENTION TO BECAUSE OF HIS VIOLENT AND EXTENSIVE
22 HISTORY. I ALSO KNOW HIS AH HIS SONS. I DEALT WITH
23 THEM A LITTLE MORE. AH ONE OF THEM, ESPECIALLY
24 [REDACTED] BEING ON PAROLE AND ACTIVE IN THE GANGS,
25 ESPECIALLY WHEN I FIRST STARTED, HE WAS OUT A LOT SO.

1 I KNEW, I KNOW A LOT ABOUT HIM, HE WAS ONE OF THE,
2 PROBABLY ONE OF THE FEW GUYS IN MARIN CITY THAT I
3 REALLY, AS MUCH AS I DIDN'T, HADN'T DEALT WITH HIM, I
4 KNEW JUST TONS ABOUT HIM. PROBABLY I WOULD ASSUME HE
5 WAS MUCH MORE ACTIVE BEFORE MY TIME IN THE SHERIFF'S
6 OFFICE, BASED ON HIS RECORD AHM BUT, BUT HAD BEEN, HIS
7 NAME WOULD COME UP NUMEROUS TIMES WHILE I'VE BEEN HERE
8 SO.

9 [REDACTED] OKAY. AHM WHEN YOU TURNED ON TO TERNERS, DID YOU, DID
10 YOU MAKE A LEFT TURN OR A RIGHT TURN? WHICH WAY WERE
11 YOU COMING FROM?

12 EK LEFT TURN FROM DONAHUE.

13 [REDACTED] OKAY AHM AND WERE YOU, WAS THERE ANY VEHICLE IN FRONT
14 OF YOU?

15 EK NO.

16 [REDACTED] SO THERE WAS NO VEHIC...WHEN YOU TURNED, WHEN YOU MADE
17 THAT TURN, THERE WAS NO VEHICLE IN FRONT OF YOU? WHEN
18 YOU TURNED ON TO TERNERS AND GOT ON TO TERNERS, WERE
19 THERE ANY VEHICLES IN FRONT OF YOU?

20 EK I DON'T BELIEVE SO, NOT THAT I, I DON'T RECALL ANY
21 VEHICLES IN FRONT OF ME.

22 [REDACTED] OKAY. AHM WERE THERE ANY VEHIC...BESIDES HIS VEHICLE
23 THAT TURNED, WERE THERE ANY VEHICLES COMING THE OTHER
24 WAY?

25 EK NO.

1 ■ SO WHEN YOU MADE THAT TURN AND YOU'RE LOOKING DOWN
2 TERNERS, YOU HAVE A CLEAR VIEW OF EVERYTHING IN FRONT
3 OF YOU?

4 EK YES.

5 ■ OKAY. DID YOU SEE ANY PEOPLE ON THE SIDEWALK, ANY AH
6 ANY PEDESTRIANS OUT OR...

7 EK NOTHING THAT, NOTHING THAT CAUGHT MY ATTENTION.

8 ■ OKAY AHM AND THEN WHEN YOU WENT DOWN AND YOU, YOU SAY
9 YOU SAW HIM MAKE AN ABRUPT TURN...

10 EK YES.

11 ■ ...IS THAT FAIR TO SAY...

12 EK YEAH.

13 ■ ..AND PULL INTO THE AHM HOW WAS HE PARKED? WAS HE
14 PARKED LIKE, LIKE NORMAL, LIKE IT LOOKED LIKE SOMEBODY
15 HAD PARKED THE CAR OR WAS IT KIND A...

16 EK THE AH, THE PARKING JOB LOOKED LIKE SOMEBODY HAD PARKED
17 THE CAR BUT THE, THE WAY HE WENT ABOUT IT, I MEAN IT
18 WAS, SLAM ON YOUR BRAKES AND, AND HIT THAT CURB.

19 ■ OKAY.

20 EK SO AHM THE, THE ACTUAL PARKING JOB, LIKE WHERE THE
21 VEHICLE WAS, NORMAL BUT THE, THE MANNER IN WHICH HE DID
22 IT WAS IMMEDIATELY SUSPICIOUS.

23 ■ OKAY AND FROM WHEN YOU SAW HIM MAKE THAT TURN TO WHEN
24 THE ABRUPT, YOU THINK HE MAKES THE ABRUPT MOVEMENT THAT

25

1 CATCHES YOUR ATTENTION, WHA...WHAT'S THE DISTANCE BETWEEN
2 YOU AND HIM, IF YOU CAN ESTIMATE THAT?

3 EK MAYBE AHM A HUNDRED YARDS.

4 A HUNDRED YARDS? OKAY. OKAY. AND SO AS YOU, SO YOU
5 GO DOWN AND THE, THERE'S NO VEHICLES IN FRONT OF YOU,
6 CORRECT?

7 EK NO.

8 I JUST WANT A MAKE SURE. AHM AND SO YOU GO DOWN AND
9 THERE, AND AT WHAT POINT HOW FAR AWAY ARE YOU WHEN YOU
10 NOTICE THAT THE, THIS IS CHAKA AND HE'S, AND HE'S IN
11 THE, IN THE PASSENGER SEAT?

12 EK I MEAN I WAS RELATIVELY CLOSE BECAUSE I, I HAD YOU KNOW
13 CLOSE ENOUGH TO IDENTIFY HIM I GUESS I WOULD SAY. I
14 WASN'T, I WASN'T DRIVING SLOW. AHM YOU KNOW WHETHER
15 IT WAS SOMEBODY JUST PARKING IN IT OR I DON'T KNOW AH
16 BUT I WAS DRIVING AND MY ATTENTION WAS, WAS COMPLETELY
17 ON THAT VEHICLE AFTER HAVING IT, SEEN IT TURN. AHM I
18 COULDN'T, I REALLY DON'T KNOW HOW CLOSE I WAS AHM BUT
19 I DISTINCTLY RE...HE WAS ALREADY IN THE PASSENGER SEAT
20 AND, AND SO BY THE TIME I WAS CLOSE ENOUGH TO LOOK AND
21 SEE ONLY ONE PERSON, I COULD SEE IT WAS HIM.

22 OKAY.

23 EK EVEN MAYBE OH MAYBE A HUNDRED FEET IF, IF NOT LESS.

1 [REDACTED] OKAY. AND DID YOU S...WHEN YOU SAW HIM, DID YOU SPEED UP
2 OR DID YOU SLOW DOWN OR DID YOU MAINTAIN YOUR SAME
3 SPEED?

4 EK AHM AT THAT POINT, I HAD PROBABLY, I PROBABLY SLOWED
5 DOWN A LITTLE BIT.

6 [REDACTED] OKAY.

7 EK AH I THINK IN, IN OBSERVING THE VEHICLE, I YOU KNOW, HE
8 KNEW, I THINK WHEN WE LOOKED AT EACH OTHER, HE KNEW I
9 KNEW WHO HE WAS AND HE KNEW WHO I WAS AND I WAS GONNA
10 BE YOU KNOW TURNING AROUND SO AH THERE WAS ENOUGH TIME
11 THERE FOR US TO IDENTIFY EACH OTHER.

12 [REDACTED] RIGHT, OKAY. SO WHEN YOU INITIALLY, I THINK YOU SORT
13 OF SAID THIS BUT I JUST WANT A RE-AFFIRM IT. SO WHEN
14 YOU INITIALLY AH SEE HIM MOVE OVER TO THE PASSENGER
15 SIDE AND YOU MAKE, YOU MAKE YOUR TURN AND YOU SEE HIM
16 STEP OUT OF THE CAR, WHAT DID YOU THINK HE WAS GONNA
17 DO?

18 EK RUN.

19 [REDACTED] OKAY.

20 EK RUN. HE AH SO WHEN I, BY THE TIME I, I GOT TO WHERE I
21 HAD VISIBILITY ON THE CAR AND HIM, HE WAS ALREADY IN
22 THE PASSENGER SEAT. I DIDN'T SEE HIM MAKE THAT MOVE.

23 [REDACTED] RIGHT.

24 EK BUT IT WA...NO ONE ELSE YOU KNOW BECAUSE OF THE
25 VISIBILITY THAT I HAD AND MY ATTENTION, AS SOON AS THAT

1 VEHICLE YOU KNOW, HE GRABBED THAT CURB WHEN HE SAW A
2 COP CAR, NOT WHEN HE SAW ME. AND SO WHOEVER IT WAS YOU
3 KNOW, I HAD THE SAME VISIBILITY ON HIM. I SAW A GOLD
4 CAR YOU KNOW, THAT COULD A BEEN FIVE PEOPLE IN THERE AT
5 THAT POINT. AH BUT AS I APPROACHED YOU KNOW I COULD
6 SAY IT WAS, THERE WAS ENOUGH TIME IN THERE AH THAT YOU
7 KNOW HE SAW ME AND SO WHAT I, THAT INTERACTION WE HAD,
8 IT WAS PRETTY CLEAR THAT HE WAS YOU KNOW HE WAS LOOKING
9 AT ME TO SEE WHAT I WAS GONNA DO. AHM AND SO WHEN I
10 INITIALLY STARTED TURNING, WHETHER HE WAS GONNA SIT
11 THERE IN THE CAR, I DIDN'T KNOW BUT I DIDN'T EVEN GET
12 TO COMPLETE THAT TURN. AND IN THAT MATTER OF SECONDS
13 IT TOOK FOR ME TO, TO WHEEL MY VEHICLE AROUND, HE WAS
14 OUT AND THERE WAS, IT WAS CLEAR JUST KIND OF THE
15 OVERALL SENSE OF HIM GRABBING THE CURB, SLIDING OVER,
16 US LOOKING AT EACH OTHER, IT WAS CLEAR HE WAS GONNA RUN
17 AT THAT POINT. I, I COMPLETELY BELIEVE THAT IF I HAD
18 PUT MY VEHICLE IN REVERSE TO STRAIGHTEN OUT, I WOULD A
19 BEEN CHASING HIM ON FOOT AH BECAUSE HE HAD SHUT THE
20 VEHICLE OFF AND WAS GETTING OUT OF IT.

21 [REDACTED] OKAY.

22 EK I THINK THE SPEED AT WHICH I GOT OUT OF THE VEHICLE
23 CAUSED HIM TO GET BACK INTO HIS.

24 [REDACTED] OKAY.

1 EK HE DIDN'T KNOW IF A FOOT CHASE WAS IN GOOD ORDER AT
2 THAT POINT FOR HIM.

3 ■ OKAY. OKAY. AHM AND SO YOU, SO YOU, YOU MA...YOU
4 MENTION THAT YOU MADE A TURN AHM AND, AND YOUR CAR
5 WAS, CAN YOU SORT OF DESCRIBE HOW YOUR CAR WAS AHM IN
6 RELATION TO HIS, AND, AND WHAT DISTANCE WELL, WE'LL
7 START WITH THAT.

8 EK SO AHM I WOULD SAY THAT IT WAS 20/30 FEET, AGAIN I YOU
9 KNOW THIS IS ALL ESTIMATES TWO TO THREE CAR LENGTHS
10 BEHIND HIM. WHEN I WENT INITIALLY WENT TO MAKE THE
11 TURN YOU KNOW KIND OF AS WE DO WITH TURNS, MAY...MAYBE
12 YOU DON'T KNOW IF YOU'RE GONNA MAKE IT OR NOT. IF IT'S
13 CLOSE YOU'LL, YOU'LL BUMP THE CURB AND, AND GET BEHIND
14 IT. AT THAT POINT, I DIDN'T, YOU KNOW I HAD TO BE ABLE
15 TO BE BEHIND HIM. SO THERE WAS A, A DECENT DISTANCE
16 THERE. AHM SO AT THE, AT THAT POINT, I WA...I WOULD SAY
17 20 TO 30 FEET BEHIND HIS VEHICLE AH AND POINTED TOWARDS
18 THE CURB AH ANGLED. MY RIGHT TIRE WOULD HAVE BEEN AT
19 THE CURB, MY LEFT TIRE WOULD A BEEN YOU KNOW A FOOT OR
20 TWO AWAY.

21 ■ OKAY.

22 EK SO THE VEHICLE'S ANGLED.

23 ■ I'M GONNA GIVE YOU THIS. AH THIS IS A, THIS IS WHAT'S
24 CALLED A TOTAL STATION MAP. I HAD NEVER HEARD OF THIS
25 BUT NOVATO P.D., APPARENTLY HAS. AND IT'S BASICALLY,

1 THEY SHOOT LASER POINTS AT CERTAIN POINTS AND THEY RE-
2 CREATE THE SCENE AHM SO IT'S KIND A COOL. AHM THIS
3 IS, THIS IS HOW IT WAS SEEN, THIS IS AH A MORE DISTANT
4 VERSION, THIS IS A AH A CLOSER VERSION. AND SO THIS
5 WOULD OBVIOUSLY, YOU'RE VEHICLE 1, THIS IS VEHICLE 2,
6 WHICH IS THE VEHICLE THAT YOU SAY HE HIT AH THE VEHICLE
7 THAT HE PARKED RIGHT BEHIND.

8 EK OKAY.

9 [REDACTED] OKAY.

10 EK I, OKAY.

11 [REDACTED] SO CAN YOU JUST DRAW ON, WHE...ON, AHM THIS BIGGER ONE...

12 EK MM MM.

13 [REDACTED] ...WHERE KIND A, WHERE YOUR VEHICLE AHM WAS POINTED
14 INITIALLY.

15 EK SO...

16 [REDACTED] SO BASICALLY...

17 EK ...SO HIS VEHICLE WOULD A BEEN HERE?

18 [REDACTED] CORRECT.

19 EK THAT AHM I MEAN I GUESS, I DON'T KNOW, I DON'T KNOW
20 WHAT THE, DISTANCE IN SCALE IS BUT MY VEHICLE WOULD A
21 BEEN, WOULD A BEEN CANTED MORE, MAYBE A PROPER
22 DISTANCE. I THOUGHT IT WAS A LITTLE MORE BUT IT WOULD
23 A BEEN CANTED MORE AHM...SORRY. AHM THAT'S AH NOT EVEN
24 THAT...

25 [REDACTED] OKAY SO LIKE THAT?

1 EK YEAH, 'CAUSE I WOULDN'T COMPLETE THE TURN TO MAKE IT.
2 [REDACTED] OKAY AND YOU SAID YOU TURNED ON YOUR LIGHTS?
3 EK YES.
4 [REDACTED] DID YOU HIT YOUR SIREN?
5 EK NO.
6 [REDACTED] OKAY. AHM SO KIND A WALK ME THROUGH FROM THAT POINT
7 IF YOU WOULD. WHE...WHEN YOU GET OUT OF THE CAR, WHEN
8 YOU STEP OUT OF THE CAR, WHERE IS GRAYSON?
9 EK CAN I DRAW ON HIS VEHICLE?
10 [REDACTED] SURE.
11 EK SO IF HIS VEHICLE'S HERE, AH...
12 [REDACTED] JUST PUT S1.
13 EK ...AHM SO WHEN I GET OUT OF MY CAR, SO INITIALLY HE WAS,
14 HE WAS SEATED HERE AND WHEN I WENT TO MAKE THIS
15 MANEUVER. AHM AT THE TIME THAT I WOULD, I WOULD HAVE
16 PUT IT IN REVERSE TO, TO SWING AROUND BEHIND HIM, HIS
17 DOOR OPENED. SO HE WAS IN THE PASSENGER, FRONT
18 PASSENGER SEAT.
19 [REDACTED] OKAY.
20 EK AND THE DOOR OPENED AND HE STEPPED OUT.
21 [REDACTED] OKAY.
22 EK AHM SO HE HAD ONE FOOT PLANTED ON THE GROUND AND HE
23 WAS, IT WASN'T JUST OPENING UP THE DOOR, HE WAS GETTING
24 OUT AND, AND AH AND WAS STANDING UP. HE WAS GONNA GO
25 AH AND SO THAT'S, THAT "X" IS WHERE HE WOULD A BEEN AH

1 YOU KNOW HALF WAY AND HALF WAY OUT OF THE VEHICLE,
2 PROBABLY MORE THAN HALF WAY OUT WHEN I WAS AT THIS
3 POINT.

4 [REDACTED] AND SO YOU STEP OUT OF THE VEHICLE AND WHAT DO YOU DO?

5 EK AH I SAY CH...YOU KNOW I ORDER HIM, CHACKA STOP RIGHT
6 THERE AND AH NORMALLY I, I YOU KNOW HAD HE BEEN IN HIS
7 VEHICLE, I WOULD A REPOSITIONED MY VEHICLE. AHM I GOT
8 OUT OF MY CAR VERY QUICKLY AH BECAUSE OF WHAT HE WAS
9 DOING. AH AT THAT POINT, I THOUGHT HE WAS GONNA RUN.
10 I DON'T KNOW WHY HE DIDN'T. HE SE...HE HAD A LITTLE BIT
11 OF A JUMP ON ME BUT MAYBE THAT WASN'T, WASN'T ENOUGH
12 FOR WHAT HE WAS THINKING. AHM BUT I ORDERED HIM BY
13 NAME STOP RIGHT THERE. AND AT THAT POINT, HE GOT BACK
14 IN HIS VEHICLE...

15 [REDACTED] OKAY.

16 EK ...AND WAS OUT OF SIGHT, OUT OF MY SIGHT.

17 [REDACTED] AND YOU'RE STILL STANDING BY YOUR, YOUR AH CAR DOOR AT
18 THAT POINT OR HAVE YOU MOVED INTO A CERTAIN POSITION?

19 EK AT THAT POINT, I WAS STILL BY MY CAR. I MEAN I WAS
20 ORDERING HIM AS I WAS STEPPING OUT OF THE VEHICLE, STOP
21 RIGHT THERE...

22 [REDACTED] OKAY.

23 EK ...AND AH AND HE IMMEDIATELY WENT BACK IN HIS VEHICLE...

24 [REDACTED] OKAY.

1 EK ..AH AND SO AT THAT POINT, I HAD NO VISIBILITY ON HIM AH
2 AND SO I APPROACHED ON THE DRIVER'S SIDE.

3 ■ YEAH YOU WANT A JUST THAT ON THERE, THAT'D BE GREAT.

4 EK SURE. DRIVER'S SIDE OF HIS VEHICLE...

5 ■ OKAY.

6 EK ...WITH MY WEAPON DRAWN. I COULDN'T SEE IF AH...

7 ■ AT WHAT POINT DID YOU PULL YOUR WEAPON?

8 EK AH AS SOON AS I STARTED APPROACHING THE VEHICLE.

9 ■ BECAUSE?

10 EK BECAUSE WELL BECAUSE HE WAS OUT OF MY SIGHT, AH HE WAS
11 NOT OBEYING MY COMMANDS, HE HAD CLEARLY SHOWN THAT HE
12 WAS GONNA RUN, I KNEW WHO HE WAS, THERE WERE AH YOU
13 KNOW ALL THOSE NUMEROUS THINGS, HIM BEING OUT OF SIGHT.
14 WHETHER HE WAS GOING BACK FOR A WEAPON, I, I DIDN'T
15 KNOW. AH I DIDN'T BELIEVE HE WAS TRYING TO DRIVE AWAY
16 BECAUSE HE WAS OUT OF SIGHT AND THAT THE VEHICLE HAD
17 STOPPED AND HE HAD TRIED TO PASS. I, MY INITIAL
18 CONCERN WAS THAT HE WAS GONNA GET A WEAPON. THERE WAS
19 NO OTHER REASON FOR HIM THAT HE WASN'T GONNA HIDE FROM
20 ME BUT YOU KNOW BUT AFTER ALL THAT. AND INITIALLY I
21 DIDN'T BELIEVE HE WAS GONNA DRIVE AWAY EITHER BECAUSE
22 HE HAD TURNED THE VEHICLE OFF. HE COULD HAVE DRIVEN
23 AWAY EARLIER. AH HE TURNED THE VEHICLE OFF AND LAID
24 DOWN ACROSS THE BENCH SEAT.

1 [REDACTED] OKAY. WHAT, WHAT COMMAND OF YOURS DID YOU GIVE HIM THAT
2 HE DISOBEYED?

3 EK INITIALLY? STOP RIGHT THERE.

4 [REDACTED] OKAY.

5 EK YOU KNOW BY NAME, STOP RIGHT THERE. AH HE ALSO DID YOU
6 KNOW, THE LIGHTS WERE ACTIVATED AH NOT THAT PEDESTRIANS
7 ALWAYS KNOW WHAT THAT MEANS BUT HE PROBABLY DOES. AH
8 SO HE, HE DISOBEYED MY COMMANDS TO STOP AH AND SHOW ME
9 HIS HANDS.

10 [REDACTED] OKAY.

11 EK AND, AND DOVE RIGHT BACK INTO THE VEHICLE. AT THAT
12 POINT, EVERYTHING'S UP IN THE AIR AND CERTAINLY A
13 BELIEF THAT HE'S ABOUT TO DO SOMETHING. YOU KNOW THAT
14 THAT SITUATION BECAME IMMEDIATELY AS VIOLENT AND YOU
15 KNOW AS TENSE AS, AS ANYTHING COULD BE.

16 [REDACTED] OKAY SO YOU, SO YOU DRAW YOUR GUN AS YOU'RE WALKING
17 TOWARDS THE VEHICLE?

18 EK YES.

19 [REDACTED] OKAY AND THEN WHAT HAPPENED?

20 EK AH I'M CONTINUING TO ORDER HIM TO SHOW ME HIS HANDS.
21 BECAUSE OF WHERE HE'S LAYING I AH I HAD NO VISIBILITY
22 ON HIM UNTIL PROBABLY I WAS RIGHT BEHIND THE, THE FRONT
23 PASSENGER SEAT OR FRONT...BEHIND THE DRIVER'S SET OF
24 SE...FRONT SET OF SEATS...

25 [REDACTED] OKAY.

1 EK ...AS HE WAS LAYING DOWN. AH AS I WAS WALKING PAST AH
2 THAT, I STILL DIDN'T HAVE GREAT VISIBILITY ON HIM
3 BECAUSE HE WAS LAYING DOWN, AH I SAW THAT HE WAS MOVING
4 HIS HAND AWAY IN THE VEHICLE AND START...I HEARD IT
5 START. AH I MEAN HE STARTED IT WHILE HE WAS LAYING
6 DOWN AND I WAS WALKING UP. AH AND.

7 [REDACTED] SO WHEN YOU FIRST, WHEN YOU FIRST WALK UP THERE,
8 WHA...WHAT IS THE FIRST THING YOU SEE?

9 EK HIS HAND DROPPING DOWN.

10 [REDACTED] DROPPING DOWN FROM?

11 EK THE, THE KEYS, THE, THE COLUMN.

12 [REDACTED] SO HE'S, HE'S AH DOING THAT ONE OF THESE?

13 EK YEAH.

14 [REDACTED] OKAY AND YOU SAW HIS HAND GO DOWN?

15 EK YES.

16 [REDACTED] OKAY.

17 EK AH I STILL DIDN'T AH HE WAS LAYING YOU KNOW BECAUSE OF
18 THE WAY THAT HE WAS LAYING, I STILL COULDN'T SEE HIS
19 OTHER HAND. AH HE WAS STILL LAYING DOWN AH YOU KNOW
20 ON HIS SIDE. AH AND AT THAT POINT, I MOVED TO, TO MY
21 POSITION AH TO THE FRONT AH WHERE THE, WHERE THE DOOR
22 MEETS THE, MEETS THE FENDER AND THE WINDOW COMES DOWN.
23 SO I WAS SLIGHTLY IN FRONT OF AH LIKE WHERE THE
24 STEERING WHEEL WOULD BE AH AND HE SAT RIGHT UP.
25

1 [REDACTED] AT THAT POINT? SO WHEN YOU MOVE INTO THAT POSITION AND
2 YOU'VE, YOU KNOW YOU'VE, YOU'RE OVERLOOKING DOWN ON
3 HIM?

4 EK YES AH I WAS DEFINITELY LOOKING DOWN ON HIM. I WAS, I
5 WAS NOT, I WAS BACKED AWAY FROM THE VEHICLE A LITTLE
6 BIT SO MY ANGLE WAS, WAS MINIMIZED BECAUSE OF THAT.
7 I'M NOT, I'M NOT TALL ENOUGH THAT I'M LOOKING DOWN ON
8 ANY, ON LOOKING DOWN ON ANYONE. ALTHOUGH I'M THINKING
9 I'M AS TALL AS HE IS BUT AH YOU KNOW MOST OF HIS BODY
10 WAS STILL NOT, NOT VISIBLE TO ME.

11 [REDACTED] SO HOW FAR AWAY WERE YOU WOULD YOU SAY FROM THE
12 VEHICLE?

13 EK PROBABLY THREE, THREE FEET MAYBE.

14 [REDACTED] OKAY.

15 EK AND SO PRETTY CLOSE. PRETTY CLOSE. AHM WITH MY GUN
16 DRAWN, POINTED AT HIM. HE AND WHEN HE SAT UP, HE WAS
17 SLOUCHED DOWN. AH I YOU KNOW I RECALL HE WASN'T, HE
18 WASN'T SITTING UP STRAIGHT, HE WAS HUNKERED DOWN
19 AGAINST THE, AGAINST THE DOOR WHEN HE SAT UP, HE HAD,
20 HE HAD AGAINST THE DRIVER'S DOOR.

21 [REDACTED] OKAY.

22 EK AHM YOU KNOW KIND A HUNCHED OVER AND AH AND IT WAS AT
23 THAT POINT, THAT HE DID THE CAR AND DRIVING AND WHAT
24 AHM AND THAT, AND THAT'S WHEN HE STRUCK THE AH STRUCK
25 THE OTHER VEHICLE.

1 [REDACTED] OKAY AHM COULD YOU SEE HIS HANDS AT THAT POINT?

2 EK I COULD SEE AH, IT WAS ALMOST LIKE SEEING ONE HAND AT A
3 TIME. YOU KNOW THE, THE AH I COULD, I COULD SEE HIS, I
4 COULD SEE HIS HAND ON THE WHEEL AS HE WAS GOING AHM
5 AND AH AND I BELIEVE I SAW HIM SHIFT IT AND THEN HE
6 JUST, HE WAS SO LOW IN THE CAR AND MY ANGLE YOU KNOW
7 PUT HIS HANDS OUT OF MY SIGHT AH FOR THE MOST PART.
8 YOU KNOW UNLESS THEY WERE UP ON THE WHEEL, I WASN'T
9 SEEING, SEEING TOO MUCH OF WHAT HIS HANDS WERE DOING.
10 AHM AND, AND IT WASN'T, YOU KNOW THEY WEREN'T, THEY
11 WEREN'T UP HERE.

12 [REDACTED] RIGHT.

13 EK HE WAS AH HE WAS IN A HURRY AND THIS WAS YOU KNOW
14 SECONDS.

15 [REDACTED] OKAY.

16 EK AS SOON AS HE SAT UP HE WAS READY TO GO.

17 [REDACTED] OKAY SO AT THIS POINT, YOU'RE THREE FEET AWAY FROM THE
18 VEHICLE, APPROXIMATELY JUST IN FRONT OF THE AHM
19 DRIVER'S SIDE DOOR?

20 EK YES.

21 [REDACTED] OKAY SO I KNOW THIS ALL HAPPENED RELATIVELY QUICK BUT
22 AS BEST YOU CAN, WHAT HAPPENS AT THAT POINT?

23 EK AHM I CONTINUE TO ORDER HIM TO STOP THE VEHICLE. AH
24 MY COMMANDS WERE SHOW ME YOUR HANDS, STOP THE VEHICLE,
25 STOP RIGHT THERE. AHM HE...

1 ■ DO YOU THINK HE HEARD YOU?

2 EK YES.

3 ■ WHY DO YOU THINK HE HEARD YOU?

4 EK AH WHEN I YELL, I'M VERY LOUD AH ESPECIALLY IN, IN A

5 SITUATION YOU KNOW. I WAS, I WAS AS LOUD AS I GET IN

6 AH YELLING AT SOMEBODY AHM AND STILL ABLE TO YOU KNOW,

7 TO NOT BE SCREAMING, LOOKING UP AT THE SKY. I MEAN I'M

8 LOOKING AT HIM, YELLING AH...

9 ■ WAS THERE ANY MUSIC ON IN THE CAR?

10 EK I DON'T BE...I DIDN'T HEAR ANY.

11 ■ OKAY.

12 EK AH HE AHM.

13 ■ EVAN, BEFORE YOU GO ON, DO YOU KNOW IF THE WINDOWS WERE

14 UP OR DOWN ON, ON THE SUSPECT'S VEHICLE?

15 EK AH THE WINDOWS WERE UP.

16 ■ AND WHAT ABOUT OBSTRUCTIONS, WERE THE WINDOWS TINTED?

17 WAS THERE ANY OBSTRUCTION FOR YOU TO SEE THE INTERIOR

18 OF THAT VEHICLE...

19 EK NOT THAT...

20 ■ ...THAT YOU REMEMBER?

21 EK ...NO, NOT THAT I REMEMBER.

22 ■ FRONT...

23 EK CERTAINLY...

24 ■ ...BACK?

25 EK ...CERTAINLY NOT...

1 ■ ..ANY, ANY OF THE VEHICLE, ANY OF THE VEHICLE WINDOWS AT
2 ALL?

3 EK AHM I DON'T BELIEVE SO. I KNOW THAT, I KNOW THAT WHEN
4 I OBSERVED HIM IN THE VEHICLE, I MEAN I COULD SEE THE,
5 THE INTERIOR. HE WAS THE ONLY PERSON IN THERE AND
6 THERE WASN'T AH IF THERE WAS TINT ON THE WINDOWS, IT
7 WAS NOT SIGNIFICANT AH CERTAINLY NOT SO THAT IT WOULD
8 OF EVER DRAWN MY ATTENTION TO THIS.

9 ■ OKAY.

10 EK IT WAS VERY CLEAR. AHM MY, MY BELIEF I GUESS WHAT IT
11 COMES DOWN, MY BELIEF IS THAT HE COULD SEE ME VERY
12 CLEARLY. WHAT I COULD SEE OF HIM WAS CLEAR. AH AND MY
13 COMMANDS WERE VERY CLEAR FROM INITIALLY WHEN HE LOOKED
14 BACK IN THE VEHICLE TO THE WHOLE TIME THAT THE
15 INTERACTION TOOK PLACE, HE KNEW EXACTLY WHAT I WAS
16 SAYING AND HE KNEW EXACTLY WHAT I MEANT AND WHAT I..MY
17 WORDS WERE CLEAR AND MY COMMANDS WERE CLEAR. AH AND HE
18 KNEW WHAT HE WAS DOING. HE WASN'T, HE WASN'T PLANNING
19 ON LISTENING. AHM YOU KNOW THERE WAS SUCH A SHORT
20 AMOUNT OF TIME BETWEEN ALL OF THIS HAPPENING, WHO KNOWS
21 IF HE COULD EVEN CHANGE HIS MIND ABOUT WHAT HE WAS
22 DOING. HE WAS YOU KNOW, I THINK HE HAD EVERY INTENT
23 TO, TO GET AWAY AND IF THAT MEANT HITTING ME, HE WAS
24 GOING TO, WHICH WAS, WHICH WAS VERY CLEAR, WHICH WAS AH
25 AS CLEAR AS, AS IT COULD BE. AH SO HE GETS, WHEN HE

1 SITS UP, HE IMMEDIATELY PUTS THE VEHICLE IN DRIVE AND
2 ACCELERATES FORWARD. AHM I STEPPED BACK. AH I, I
3 THINK THAT THE ANGLE HE TURNED AT AH INITIALLY BECAUSE
4 A, A FEW FEET AWAY FROM THE VEHICLE, BY STANDING BACK
5 AHM AND I THINK I SAID IT EARLIER, IF HE HAD CLEARED
6 THAT, IF THERE WERE NO VEHICLE THERE AT THAT ANGLE OR
7 IF HE HAD CLEARED THAT VEHICLE, HE WOULD A DRIVEN DOWN,
8 DOWN TERNERS AND, AND BEEM GONE. AH SO IT WASN'T ME
9 WAITING FOR HIM TO HIT THAT VEHICLE AND BACK UP. THE
10 VEHICLE COULD A MOVED OR HE COULD A KEPT...HAD HE BEEN
11 ABLE TO MAKE IT, HE WOULD HAVE AND HE WOULD HAVE BEEN
12 GONE. AHM AND, AND MY, THE, THE DANGER TO ME AT THAT
13 POINT, WAS YOU KNOW WAS MODERATE. AGAIN HE COULD STILL
14 TURN AROUND, HE COULD PUT IT IN REVERSE AND, AND HIT ME
15 BUT, BUT IF HE HAD CONTINUED THE WAY HE WAS GOING AT
16 THAT ANGLE THAT HE HIT THE VEHICLE AT, HE WOULD HAVE,
17 HE WOULD HAVE BEEN GONE. AHM I SO I STEPPED BACK AND
18 HE COLLIDED WITH THE, WITH THE OTHER VEHICLE.

19 HOW HARD DID HE HIT THAT VEHICLE?

20 EK

21 AH I MEAN I WAS FOCUSED ON HIM BUT HE, HE HIT IT, HE
22 HIT IT YOU KNOW I, AH I THINK OBVIOUSLY NOT HARD ENOUGH
23 TO, TO, TO MOVE IT, BECAUSE I DON'T THINK THERE WAS
24 ENOUGH AH YOU KNOW ROOM FOR HIM TO GET UP SPEED BUT HE
25 HIT IT AH I GUESS THE BEST WAY TO DESCRIBE IT IS AS
FAST AS HE COULD HIT IT FROM THAT YOU KNOW THAT POINT

1 THAT HE WAS BEHIND IT. AH HE YOU KNOW HE ACCELERATED
2 AND NOTICEABLY HIT IT AND IT WAS WHAT STOPPED HIM.

3 AHM SO I DON'T KNOW HOW TO EXPLAIN THE FORCE BUT HE
4 MOVED THE, HE MOVED THE CAR WHEN HE HIT IT.

5 OKAY.

6 EK

7 AH SO AT THAT POINT, I WAS A LITTLE FARTHER BACK FROM
8 THE VEHICLE AND HE PUT AH HE PUT HIS CAR IN REVERSE
9 AHM BECAUSE HE WASN'T ABLE TO CLEAR. AH I CONTINUED
10 TO HAVE MY WEAPON POINTED AT HIM BUT AS HE MOVED
11 BACKWARDS AND AH SWUNG THAT FRONT END OUT SO HE WOULD
12 HAVE CLEARANCE, AND THIS WAS ALL VERY RAPID. IT WASN'T
13 AH, IT WASN'T A TOUCH AND GO MANEUVER. HE WAS GONNA GO
14 BACKWARDS AND HE WAS GONNA GO FORWARDS AHM AS, AS FAST
15 AS HE COULD. AH HE BACKED UP AND SWUNG THE FRONT END
16 OF THE VEHICLE AROUND AGAIN TO WHERE IT WAS POINTED
17 WITH HIM IN THE DRIVER'S SEAT, AH HE WAS IN FRONT OF
18 ME. AH AND SO THAT, THAT FRONT LEFT BUMPER WAS AHM
19 WAS POINTED AT ME AH AND THEN HE ACCELERATED FORWARD.
20 AND AGAIN ALL THESE, YOU KNOW THERE WASN'T ANY GRINDING
21 GEARS. HE, HE WENT FORWARD AH AND I HEARD, I BARELY
22 HAD TIME TO, TO GET OUT OF THE WAY AH FROM BEING HIT.
23 AND I, AND I HEARD HIM ACCELERATING TOWARDS ME, AH
24 STEPPED OUT OF THE WAY AS BEST I COULD AHM AND, AND
25 BEGAN FIRING AT HIM. AHM YOU KNOW MY INTENT TO SAY
THAT AGAIN IS TO HIT HIM. I'M NOT GOING TO BE ABLE TO

1 DISABLE A VEHICLE OR ANYTHING LIKE THAT COMING TOWARDS
2 ME. AH IF HE AH, IF I GOT OUT OF THE WAY, NO MATTER
3 HOW MANY TIMES I SHOT A CAR, IT WOULD A HIT ME AHM SO
4 I WAS INTENDING TO SHOOT HIM AH TO STOP HIM FROM TRYING
5 TO RUN ME OVER. AH AND, AND YOU KNOW THAT WAS THE,
6 THAT WAS THE REASON. I FELT THAT HE WAS TRYING TO RUN
7 ME OVER. I FELT HE WAS GONNA CONTINUE TO TRY THAT.
8 AHM YOU KNOW AGAIN THIS IS IN AN INSTANT BUT
9 EVERYTHING TOLD ME HIS INTENT WAS TO, WAS TO KILL ME
10 AND THAT'S THAT.

11 ARE YOU SURE THAT HE BACKED THE VEHICLE, LIKE HE PUT
12 THE VEHICLE IN REVERSE?

13 EK YES.

14 AND HOW ARE YOU SURE ABOUT THAT?

15 EK IT MOVED AWAY FROM ME.

16 AH IS IT POSSIBLE THAT IT COULD A JUST ROLLED BACK?

17 EK NO.

18 LIKE IN NEUTRAL OR SOMETHING LIKE THAT? OR YOU
19 ACTUALLY HEARD IT ENGAGE AND GO BACK AND (UNCLEAR.)

20 EK I MEAN IT, IT ACCELERATED BACKWARDS.

21 IT ACCELERATED BACKWARDS. DID, DID HE HIT THE CURB
22 WHEN HE WENT BACK?

23 EK I BELIEVE HE DID. I THINK THAT'S WHY, I THINK THAT'S
24 WHY HE STOPPED. I, I DON'T KNOW THAT THERE WAS ENOUGH
25 ROOM FOR HIM TO, TO SWING THE VEHICLE AROUND AHM BUT

1 I, I BELIEVE HE DID. I CAN'T, I DIDN'T, I WASN'T
2 THERE. I WASN'T AT THE BACK OF THE VEHICLE TO SEE IT
3 SO ALL I AM YOU KNOW MY FOCUS WAS ON HIM AND, AND THE
4 FRONT OF THE VEHICLE AT THAT POINT. BUT I KNOW HE, I
5 KNOW HE BACKED UP.

6 AND YOU, YOU MENTIONED THAT YOU THOUGHT THAT HE WAS
7 TRYING TO GET AWAY AND THAT HE WOULD DO ANYTHING HE CAN
8 TO GET OUT OF THE WAY, CORRECT? OR TO GET AWAY? YOU
9 FELT LIKE HE WOULD DO ANYTHING TO GET AWAY?

10 EK YES. I, I AH AT, AT THAT POINT, YOU KNOW AT THE POINT
11 THAT, THAT HE DROVE TOWARDS ME, IT WAS CLEAR...

12 RIGHT.

13 EK ...THAT THERE WAS NO ALTERNATIVE THAT HE...

14 RIGHT.

15 EK ...YOU KNOW. HE WAS DOING EVERYTHING HE COULD TO GET
16 AWAY AH HE WAS GONNA RUN ME OVER.

17 SO MY QUESTION IS THIS, IF, IF HE GOES AND HE PUTS THE
18 CAR, HE HITS THE CAR IN FRONT OF HIM, HE TAKES THE TIME
19 TO PUT THE CAR IN REVERSE, WHY DIDN'T YOU JUST MOVE OUT
20 OF THE WAY?

21 EK I, I DON'T THINK I COULD HAVE.

22 WHAT DO YOU MEAN YOU DON'T THINK YOU COULD HAVE?

23 EK BECAUSE OF MY POSITION. I WAS IN THE MIDDLE OF THE
24 STREET...

25 OKAY.

1 EK ...SO OBVIOUSLY AND AGAIN THIS IS, THIS IS SECONDS HERE
2 BUT IF HE'S, I MEAN I'M LOOKING AT IT NOW, BUT IF HE
3 PUTS THE VEHICLE IN REVERSE AND I WALK, I'M EITHER
4 WALKING IN FRONT OF IT OR I'M WALKING YOU KNOW OUT INTO
5 THE, MORE INTO THE STREET. THERE'S NO POSITION OF
6 COVER FOR ME AHM YOU KNOW OTHER THAN RUNNING AWAY FROM
7 IT THEN HE...SO I DON'T THINK THERE WAS A SAFE POSITION
8 FOR ME TO GET TO...

9 [REDACTED] OKAY.

10 EK ...FROM WHERE HE COULDN'T OF HIT ME.

11 [REDACTED] OKAY.

12 EK AND SO WHERE I WAS, WAS I DON'T WANT A SAY STANDING MY
13 GROUND BUT IT, IT'S WHERE I, IT'S WHERE I FOUND MYSELF
14 AND IT OFFERED ZERO COVER AND NO OUTSIDE OF REACTING TO
15 HIM, IT, IT DIDN'T OFFER ME ANY, ANY ALTERNATIVE TO,
16 TO, TO GET TO A SAFE POSITION.

17 [REDACTED] OKAY.

18 [REDACTED] SO EVAN, WHEN YOU WERE, WHEN HE WENT, WHEN HE
19 ACCELERATED FORWARD, TURNED HIS WHEEL TO THE LEFT TO
20 SWING HIS FRONT END OUT, YOU WERE STANDING ABOUT WHERE
21 THE "V" OF THE DOOR IS, CORRECT? THE FRONT OF THE DOOR
22 WHERE THE FENDER MEETS THE FENDER WALL ABOUT THAT
23 POSITION?

24 EK ABOUT THERE AND A FEW FEET OFF THE VEHICLE, YES.

1 [REDACTED] OKAY WHEN HE ACCELERATED FORWARD AND HEADED YOU SAID
2 ABOUT THREE FEET, THAT PUT YOU ALMOST TO THE MAYBE THE
3 PASSENGER'S...

4 EK WELL...

5 [REDACTED] ...DOOR?

6 EK AH YEAH, I WO...I WOULD SAY THAT WAS ABOUT RIGHT.

7 [REDACTED] OKAY.

8 EK WELL.

9 [REDACTED] AND WHEN THAT HAPPENED, YOU STEPPED BACKWARDS OR?

10 EK I STEPPED BACKWARDS. SO HE WAS AT AN ANGLE SO...

11 [REDACTED] RIGHT.

12 EK ...THAT YOU KNOW HIM TRAVELING FORWARD, HE WASN'T

13 TRAVELING FORWARD YOU KNOW LIKE THIS, HE WAS TRAVELING

14 FORWARD LIKE THIS. SO IT WASN'T AS YOU KNOW I WASN'T

15 IN THE BACK SEAT HERE, I WAS PROBABLY CLOSER TO THE, TO

16 THE BACK OF THE FRONT SEAT.

17 [REDACTED] OKAY.

18 EK AND YOU KNOW MY FOCUS WAS ON, WAS ON HIM SO I.

19 [REDACTED] AND THEN WHEN HE, AFTER HE HIT, MADE THE IMPACT WITH

20 THE VEHICLE AND HE PUT THE CAR IN REVERSE OR, OR THE

21 VEHICLE MOVED BACKWARDS, WHERE DID THAT PUT YOU? ABOUT

22 BACK TO THE SPOT OF WHERE THE "V" IS AT OR?

23 EK WHEN HE WENT INTO REVERSE?

24 [REDACTED] YES, WHEN HE, WHEN HE WENT INTO REVERSE AND HE STOPPED...

25 EK UH HUH.

1 ...BEFORE HE ACCELERATED FORWARD FOR THAT SECOND TIME,
2 WHAT POSITION WERE YOU AT?

3 EK I WAS IN FRONT OF THE VEHICLE.

4 SO AT THAT, SO AS IT WAS GOING BACKWARDS YOU MOVED TO
5 THE FRONT OF THE VEHICLE TYPE THING?

6 EK NO, BECAUSE HE WAS, THIS IS ME..

7 MM MM.

8 EK ...SO INITIALLY HE, HE COLLIDES HERE.

9 RIGHT.

10 EK HE BACKED UP AND SWUNG THE FRONT END OUT.

11 OKAY SO IT SWUNG OUT THAT MUCH TO PLACE YOU IN THE
12 FRONT OF THAT CAR?

13 EK YES.

14 IT WASN'T YOU MOVING TO THAT LOCATION?

15 EK NO.

16 OKAY.

17 EK NO AHM AND SO AT THAT POINT, I WAS IN FRONT OF THE
18 VEHICLE FROM HIS SIDE. AND CERTAINLY THE, THE, THE
19 DISTANCE HERE, I MEAN IF HE, IF I HADN'T MOVED AND HE
20 WANTED TO TURN ALL THE WAY AROUND, I WELL I COULD HAVE
21 BEEN HIT BY THE OTHER SIDE OF THE, THE BUMPER. I MEAN
22 IT WASN'T AH, IT WASN'T LIKE THIS, IT WAS, THERE WAS
23 ENOUGH ROOM FOR HIM TO, TO, TO AH...

24 RIGHT.

25 EK ...MAKE THAT MOVE.

1 [REDACTED] SO YOU FOUND YOURSELF IN FRONT OF THAT VEHICLE...

2 EK YES.

3 [REDACTED] ...AS HE ACCELERATED BACKWARDS RIGHT?

4 EK YES.

5 [REDACTED] WHAT...DID YOU SEE ANY ACTION FROM EITHER HIM OR FROM THE
6 VEHICLE THAT MADE YOU ASSUME HE WAS GONNA ACCELERATE
7 FORWARD BACK IN YOUR DIRECTION?

8 EK WELL AHM I, I GUESS NOT, NOT AT THAT POINT. I MEAN
9 NOTHING, THERE WAS NO, THERE WAS NO TIME TO PREDICT
10 WHAT HE WAS GONNA DO. AH HE COULD HAVE YOU KNOW HE
11 COULD HAVE KEPT GOING IN REVERSE AND DRIVEN UP OVER THE
12 CURB OR WHATEVER ELSE. MY VEHICLE WAS THERE. HE
13 WASN'T GETTING AROUND ME THAT WAY.

14 [REDACTED] RIGHT.

15 EK SO HIS OPTION WAS TO, WAS TO GO FORWARD AND MY BELIEF
16 WAS HE WAS COMING FORWARD.

17 [REDACTED] SO THAT VEHICLE BACKS UP, IT STOPS, CORRECT? AT WHAT
18 POINT DO YOU FIRE THAT FIRST ROUND?

19 EK AS HE WAS ACCELERATING FORWARD, I, I ST...SO I STEPPED
20 OUT OF THE WAY AND I BEGAN FIRING AH WELL MOST PROBABLY
21 INSTANTANEOUSLY, MOVING OUT OF THE WAY BECAUSE HE..NOT
22 UNTIL HE WAS COMING FORWARD AHM DID I TAKE THAT STEP
23 AH AND, AND AS I MEAN THIS IS ALL WITHIN MILLISECONDS...
24 [REDACTED] SURE.

1 EK ...I'M SURE BUT HIS VEHICLE GOES FORWARD AND YOU KNOW I
2 BEGAN, I MOVE TO BEGIN FIRING.

3 [REDACTED] AND YOU'RE MOVING TO YOUR RIGHT TOWARDS...

4 EK TO MY RIGHT.

5 [REDACTED] ...TOWARDS THE CENTER...

6 EK YES.

7 [REDACTED] ...CENTER OF THE ROADWAY, AWAY FROM THE VEHICLE?

8 EK YES.

9 [REDACTED] SO THEN THAT DIAGRAM SHORT, SORT OF SHOWS AHM BEFORE
10 THE SHOOTING. I WANT YOU DRAW ON HERE AHM SORT OF THE
11 POSITIONING OF YOU, HIS VEHICLE IN RELATION TO YOU, AS
12 BEST YOU CAN. AHM WE'RE GONNA CALL THAT NUMBER 2,
13 WE'LL CALL THIS NUMBER 1.

14 EK OKAY SO...

15 [REDACTED] SO THIS IS THE PRE...

16 EK SO DO YOU WANT THIS...

17 [REDACTED] SHOOT.

18 EK ...AS MY FIRST SHOT OR AS ME STEPPING OUT OF THE WAY. I
19 MEAN THERE'S...

20 [REDACTED] THE POSITION THAT EVERYTHING WAS IN, AS BEST YOU CAN,
21 RIGHT, JUST PRIOR TO YOU FIRING THE FIRST SHOT IF YOU
22 WOULD.

23 EK SO HE'S BACKED THE VEHICLE UP AND AGAIN I'M NOT AT THE
24 REAR OF THE VEHICLE. I DON'T I CAN'T SAY IT WAS FROM
25 MY CAR.

1 ■ THAT'S FINE JUST...

2 EK ...AHM BUT HE AH, SO HE'S BACKED UP HIS VEHICLE AND IT
3 IS ANGLED AGAIN BACK TOWARDS THE CURB AND I'M HERE.

4 ■ SO YOU ARE ACTUALLY RIGHT IN FRONT OF HIS CAR ON THE
5 PA...ON THE DRIVER'S SIDE?

6 EK YES.

7 ■ OKAY.

8 EK LOOKING AT HIM.

9 ■ AND AT WHAT RANGE, WHAT DISTANCE?

10 EK AHM I DON'T KNOW, MAYBE AHM SIX FEET FROM THE
11 VEHICLE, FIVE/SIX FEET FROM THE VEHICLE.

12 ■ OKAY.

13 EK AH NOT, NOT, NOT FAR.

14 ■ OKAY AND SO RIGHT AFTER THAT, YOU SAID YOU, YOU TOOK A
15 STEP TO YOUR RIGHT?

16 EK TOWARDS THE CENTER OF THE STREET.

17 ■ OKAY.

18 EK SO HE ACCELERATES FORWARD AH AND I DON'T, I DON'T
19 RECALL IF HIS WHEELS HAD TURNED. I WASN'T LOOKING AT
20 'EM AND I WASN'T IN A POSITION TO SEE 'EM ANYWAYS AH
21 BUT HE ACCELERATES FORWARD AND WHETHER HE MADE THAT
22 TURN AS HE WAS DOING IT AH, HE ACCELERATES FORWARD
23 TOWARDS ME AHM AT LEAST THE VEHICLE MOVES TOWARDS ME.
24 IT'S POINTED AT ME AH AND, AND SO I STEP OUT TOWARDS
25 THE CENTER OF THE ST...OF THE STREET...

1 [REDACTED] OKAY.

2 EK ...TO, TO GET OUT OF THE WAY OF THE VEHICLE.

3 [REDACTED] OKAY. AHM AND SO HOW FAR AWAY WOULD YOU ESTIMATE YOU
4 WERE WHEN THE FIRST SHOT WAS FIRED?

5 EK AH I DON'T KNOW CLOSE. AHM YOU KNOW MAYBE, MAYBE THE
6 SAME, MAYBE FOUR FEET, FOUR OR FIVE FEET. I'M REALLY
7 NOT AH, I'M NOT SURE.

8 [REDACTED] OKAY AND DID YOU CONTINUE TO MOVE AS YOU WERE SHOOTING
9 OR DID YOU STAY WHERE YOU WERE?

10 EK AH I CONTINUED TO MOVE. AH AS HE PASSED ME AH I, I
11 TURNED AND I BELIEVE I STEPPED BACKWARDS AND U...AND UP.
12 SO TOWARDS THE CENTER OF THE STREET, UP TOWARDS MY
13 VEHICLE AHM AS I WAS TURNING. AHM BECAUSE HE WAS
14 GOING THIS WAY AH YOU KNOW MY BELIEF WAS THAT HE WAS
15 EITHER GONNA, HE WAS EITHER GONNA FLEE, HE WAS GONNA
16 TURN AROUND OR HE WAS GONNA PUT THE CAR IN REVERSE
17 AGAIN. AND MY ONLY SOURCE OF COVER AT THAT POINT WAS
18 GONNA BE AH GETTING OUT OF THE STREET. I WAS ALREADY
19 MOVING THIS WAY AHM AND, AND SO THAT WAS THE, THAT WAS
20 THE DIRECTION OPPOSITE OF WHERE HE WAS GOING AT THAT
21 INSTANT. AHM I'M STILL VULNERABLE THE WHOLE TIME. I
22 DON'T, I DON'T THINK I YOU KNOW AH AS I'M WA...MY, I'M
23 FOCUSED ON HIM AND STILL TRYING TO YOU KNOW TRYING TO
24 STOP THE, THE ASSAULT AHM AND THE FUTURE ASSAULT,
25 WHICH IS WHAT I BELIEVE WAS A, A POSSIBILITY YOU KNOW

1 ONE OF, ONE OF THE THREE. WELL TWO OF THE THREE WERE
2 HIM ASSAULTING ME AND ONE OF THEM WAS HIM CONTINUING
3 GOING AND I DIDN'T KNOW WHICH AH...

4 [REDACTED] OKAY.

5 EK ...WHICH ONE.

6 [REDACTED] ALRIGHT, WOULD YOU JUST DRAW AN ARROW IN THE DIRECTION
7 THAT YOU..AND HOW MANY STEPS DO YOU THINK YOU TOOK, DO
8 YOU KNOW?

9 EK AH NO.

10 [REDACTED] OKAY. AHM AND THEN IF YOU WOULD JUST WRITE AH JUST
11 PRIOR TO SHOOTING. AND THEN I'M GONNA ASK YOU THIS.
12 THIS ONE MORE TIME. AND NOW I'D LIKE TO KNOW WHERE
13 YOU, WHERE YOU THINK YOU WERE AND WHERE HIS VEHICLE WAS
14 WHEN THE LAST SHOT WAS FIRED?

15 EK AHM I WOULD SAY THAT I HAD YOU KNOW AGAIN I DON'T AS
16 FAR AS THIS, THIS WAY GOES, I DON'T KNOW. I, I WASN'T
17 LOOKING THAT WAY.

18 [REDACTED] OKAY.

19 EK AH BUT I BELIEVE I WAS CENTER OR SLIGHTLY TO THE, I
20 DON'T KNOW WHAT YOU CALL THAT AH TO THE WEST SIDE, AH
21 THE OPPOSITE SIDE OF THE STREET. SO I'LL PUT AN "X"
22 THERE. AHM AND HIS VEHICLE PROBABLY HADN'T, HADN'T
23 PASSED THE, THE VICTIM CAR AH SO MAYBE, MAYBE THERE
24 WHEN THE LAST SHOT WAS FIRED.

1 [REDACTED] AND YOU, WHAT DO YOU THINK THAT DISTANCE IS BETWEEN
2 THAT "X", WHICH REPRESENTS YOU AND THE BACK OF THAT
3 CAR?

4 EK AHM 15 FEET, 20 FEET MAYBE.

5 [REDACTED] OKAY. AHM HOW MANY, HOW MA...DID YOU KNOW HOW MANY
6 ROUNDS YOU HAD FIRED?

7 EK NO. I MEAN I KNEW WHEN I RAN OUT.

8 [REDACTED] YOU KNEW WHEN YOU RAN OUT. HOW LONG DO YOU THINK IT
9 TAKES TO FIRE 16 ROUNDS, 'CAUSE THAT'S, THAT'S WHAT YOU
10 HAD RIGHT?

11 EK YEAH. THREE, FOUR SECONDS. AS, AS FAST AS YOU CAN
12 FIRE PROBABLY.

13 [REDACTED] OKAY. AHM WOULD YOU JUST DRAW AH LAST SHO... AH NUMBER
14 3 AND LAST SHOT AND I JUST NEED YOU TO INITIAL THESE IF
15 YOU WOULD.

16 EK SURE.

17 [REDACTED] THANKS.

18 [REDACTED] CAN WE TAKE CARE OF A HOUSEKEEPING ISSUE...

19 [REDACTED] SURE.

20 [REDACTED] ...BEFORE WE GO FURTHER? I KNOW THAT YOU GAVE HIM THE
21 FORM FOR LYBARGER BUT WAS HOPING THAT WE COULD
22 MEMORIALIZE IT ON TO THE RECORD THAT EVERYTHING THAT
23 DEPUTY KUBOTA HAS SAID IS A COMPELLED STATEMENT?

24 [REDACTED] CORRECT...

25 [REDACTED] AND THAT'S...

1 ■ ...THAT'S CORRECT.

2 ■ ...FOR THE ENTIRETY OF...

3 ■ THAT'S CORRECT.

4 ■ ...THIS INTERVIEW. I JUST WANTED TO SEE THE FORM IF I

5 COULD.

6 ■ SURE.

7 ■ I HAVE NOT TAKEN A LOOK AT IT AFTER HE SIGNED IT.

8 ■ SURE.

9 ■ THANK YOU.

10 ■ THANKS.

11 ■ TERRIFIC. I DIDN'T KNOW IF YOU WERE ALSO GONNA

12 MIRANDIZE...

13 ■ NO.

14 ■ ...PERFECT. THANK YOU.

15 ■ OKAY, ALRIGHT. SO AHM YOUR ORDERS TO GRAYSON, GOING

16 BACK A LITTLE BIT, INITIALLY WERE CHAKA, DON'T MOVE,

17 DID THEY CHANGE...

18 EK STOP RIGHT THERE.

19 ■ ...OR STOP RIGHT THERE. DID THEY CHANGE AT ALL WHEN

20 YOU'RE SHOU...YOU MENTIONED HE GETS BACK IN THE CAR AND

21 YOU'RE SHOUTING AT HIM, DID THOSE ORDERS CHANGE AT ALL?

22 EK AH YEAH, THEY, THEY CHANGED TO YOU KNOW STOP RIGHT

23 THERE, AND, AND STOP THE VEHICLE. AH...

24 ■ HOW MANY TIMES WOULD YOU SAY YOU SAY YOU SAID IT?

25

1 EK CONSI...I DON'T KNOW, CONSISTENTLY THROUGHOUT THE WHOLE
2 THING. I WASN'T, I WASN'T QUIET FOR, FOR A SECOND.
3 AHM IT WAS THE ENTIRE TIME SO I PROBABLY, I PROBABLY
4 GOT IT OUT 15 TIMES.

5 [REDACTED] OKAY. SORRY, I'M JUST GOING THROUGH THESE QUESTIONS.
6 YOU'VE ANSWERED A LOT OF 'EM ALREADY SO. AHM YOU
7 MENTIONED THAT YOU AH, THAT YOU INITIALLY PULLED YOUR
8 WEAPON BECAUSE HE WAS HE HAD DUCKED DOWN.

9 EK YES.

10 [REDACTED] WHAT DID, WHAT DID YOU THINK THAT HE WAS DOING?

11 EK MY BELIEF WAS THAT HE WAS, WAS REACHING FOR A WEAPON.

12 [REDACTED] OKAY.

13 EK AHM NOTHING ELSE MADE MUCH SENSE, I WOULD SAY AT THAT,
14 AT THAT INSTANT. YOU KNOW WHEN SOMEBODY, IT'S NOT HIDE
15 AND GO SEEK. HE KNEW THAT I KNEW WHERE HE WAS AND, AND
16 SO I DIDN'T BELIEVE, BECAUSE I COULDN'T, BECAUSE HE
17 WASN'T SITTING UP AND BECAUSE I COULDN'T SEE HIM, I
18 DIDN'T BELIEVE HE WAS STARTING THE VEHICLE. AH BUT
19 THAT TURNS OUT TO BE...

20 [REDACTED] RIGHT.

21 EK ...WHAT HE WAS DOING. WHETHER HE WAS GETTING A WEAPON,
22 I, I DON'T KNOW. HE STILL COULD A BEEN DOING THAT AH I
23 CAN'T, I CAN'T RULE THAT OUT EVEN TODAY. AHM BUT IT
24 WAS CLEAR THAT, THAT WAS A, THAT WAS THE NUMBER ONE
25 POSSIBILITY TO ME. AND, AND MY ASSESSMENT OF IT WAS

1 NOT ONLY IS HE NOT OBEYING, CLEARLY NOT OBEYING
2 COMMANDS AND EVERYTHING ELSE YOU KNOW PLUS KNOWING IT'S
3 ME AND I KNOWING IT'S HIM AH BUT AH BUT YOU KNOW
4 HIDING, HIDING HIMSELF. AND I YOU KNOW THERE'S BEEN
5 VERY FEW OCCASIONS WHEN, WHEN I'VE SEEN ANYBODY DO THAT
6 AND I CAN SAY THEY FOUND THEMSELVES MAYBE IN A, IN A
7 SIMILAR SITUATION OF HAVING MY WEAPON DRAWN AND I CAN
8 ONLY THINK OF A COUPLE AND, AND BOTH TIMES IT WAS THE
9 EXACT SAME BELIEF WAS. YOU KNOW I REMEMBER ONE'S A DUI
10 SUSPECT STUMBLING OUT OF HIS VEHICLE AND GOING BACK
11 INTO IT AND HE WAS JUST TOO DRUNK TO KNOW WHAT WAS
12 GOING ON BUT MY BELIEF WAS HE WAS GOING BACK TO HIS CAR
13 TO GET A WEAPON. YOU KNOW THERE'S ONLY SO MANY REASONS
14 PEOPLE'LL DO THAT. AND ANOTHER TIME I REMEMBER BEING
15 ON AH CHINA CAMP WITH DEPUTY [REDACTED] AND AH WE HAD
16 IN...YOU KNOW INFORMATION THAT THE OWNER OF THIS VEHICLE
17 WAS ARMED AND WE OPENED THE DOOR AND HE'S TURNED AWAY,
18 NOT FOLLOWING OUR COMMANDS, HE KNOWS IT'S US, PUTTING
19 HIS HANDS IN THE SEAT AND IF HE WAS HIDING THINGS BUT
20 AGAIN HE YOU KNOW DEPUTY [REDACTED] GOT THE DRAW AND,
21 AND WAS YOU KNOW IT WAS THE SAME SITUATION. SO MY
22 BELIEF WHEN SOMEBODY NOT ONLY IS NOT FOLLOWING VERY
23 CLEAR COMMANDS AH BUT IS HIDING THEIR HANDS AND HIDING
24 THEIR ACTIONS IS, IS IN MY O...IN PRACTICE THEY'RE
25 CONCEALING THINGS BUT IN REALITY THEY ARE JUST AS

1 EASILY GETTING A WEAPON AND MY BELIEF WAS, WAS THAT WAS
2 WHAT HE WAS DOING.

3 AND DID YOU, WAS THERE EVER A TIME DURING THIS WHOLE
4 CONFRONTATION THAT YOU SAW BOTH OF HIS HANDS AND KNEW
5 THAT THE DIDN'T HAVE, BESIDES THE VEHICLE, A WEAPON, A
6 GUN, A KNIFE, ANYTHING THAT COULD...

7 EK THAT I KNEW HE DIDN'T HAVE ONE OR DID HAVE ONE.

8 THAT HE DID NOT HAVE ONE?

9 EK NO, I, I AGAIN...

10 YOU NEVER SAW BOTH OF HIS HANDS CLEAR OF...

11 EK NO.

12 OKAY.

13 EK NO, CERTAINLY NOT YOU KNOW A WEAPON IN HIS LAP, A
14 WEAPON ACCESSIBLE, ALL POSSIBILITIES STILL.

15 OKAY. AHM FROM BEGINNING TO, FROM THE, FROM THE POINT
16 WHEN YOU MADE THE U-TURN AND STOPPED YOUR CAR TO THE
17 POINT THAT HE, THAT YOU FIRED YOUR LAST ROUND, CAN YOU
18 GIVE ME AN ESTIMATE OF HOW LONG YOU THINK THAT TOOK?

19 EK MAYBE A MINUTE, MAYBE LESS.

20 OKAY. SO AHM SO THE AH I JUST WANT A BREAK THAT DOWN
21 A LITTLE BIT. FROM THE TIME YOU GOT OUT, YOU, YOU GOT
22 OUT OF THE CAR AND YOU GAVE HIM INITIAL ORDERS, HOW
23 LONG WAS THAT?

24 EK AH UNTIL WHEN?

25 UNT...UNTIL HE CLOSED THE DOOR AND GOT BACK IN THE CAR?

1 EK OH THAT WAS, THAT WAS, THAT WAS SECONDS. I MEAN HE
2 IMMEDIATELY GOT BACK IN THE VEHICLE. HE WAS, HE WAS
3 OUT OF HIS VEHICLE, I MEAN I WASN'T REACTING TO HIM
4 WHEN I GOT OUT OF MY CAR. AH IF HE HAD BEEN SITTING
5 YOU KNOW, I WOULDN'T HAVE GOTTEN OUT. SO AH HE WAS
6 ALREADY GETTING OUT BY THE TIME I GOT OUT AND HE GOT
7 BACK IN ALMOST INSTANTLY AH WHEN I, WHEN I GOT OUT.
8 [REDACTED] OKAY AND SO FROM THE TIME THAT HE SHUTS THE DOOR TO THE
9 TIME THAT YOU MOVED TO THE FRO...TO THE INITIAL POINT,
10 WHICH WE, WE DID ON NUMBER 1, HERE...

11 EK MM MM.

12 [REDACTED] ...HOW LONG WAS THAT?

13 EK MAYBE SEVEN/EIGHT SECONDS.

14 [REDACTED] OKAY.

15 EK MAYBE YOU KNOW MAYBE TEN SECONDS BUT IT WAS, IT WAS
16 QUICK.

17 [REDACTED] AND FROM THE POINT THAT HE GETS IN THE, HE GETS UP AND
18 STARTS ACCELERATING, HE HITS THE VEHICLE, BACKS UP AND
19 THEN YOU FIRE YOUR FIRST SHOT; HOW LONG WOULD YOU SAY
20 THAT WAS?

21 EK PROBABLY ANOTHER 10-/15 SECONDS IN THAT FIRST SHOT.

22 [REDACTED] OKAY. WHAT WAS THE BACKDROP BEHIND YOU WHEN YOU FIRED
23 YOUR INITIAL FIRST ROUND?

24 EK THE AH OF THE TARGET?

25 [REDACTED] MM MM.

1 EK AHM THE AH, OH IT WAS THE, THE OPEN SPACE, I BELIEVE.
2 I MEAN THE STREET, THE CURB AND, AND, AND THE PARK
3 THERE AH I THINK WERE, YOU KNOW IT'S AH IT'S NOT A FLAT
4 ROADWAY SO THAT WOULD BE THE, THE BACKDROP, IT WAS ON
5 THE ANGLE.

6 [REDACTED] ARE YOU...

7 [REDACTED] TALKING ABOUT THE PARK SO YOUR ANGLE...

8 EK NOT AH NOT WELL THE, THE GRASS. SO THE, THERE'S A
9 PLAYGROUND ON THE OTHER SIDE OF THE STREET BUT ON THAT
10 SIDE OF THE STREET IT'S JUST GRASS.

11 [REDACTED] RIGHT, TENNIS COURTS, BASKETBALL COURTS, GRASS...

12 EK DOWN...

13 [REDACTED] ...PRIOR TO THE STREET SO BEHIND 14 TERNERS, CORRECT OR
14 11/12 OR 14/12, OR 14?

15 EK I THINK SO.

16 [REDACTED] SO YOU'RE LOOKING AT HIM, OVER THE CAR, THAT BACKDROP
17 THERE IS THE OPEN GRASSY AREA PRIOR TO THE...

18 EK YES.

19 [REDACTED] ...BASKETBALL COURTS, CORRECT?

20 EK YES.

21 [REDACTED] DID YOU SEE ANYBODY IN THAT PARK AT ALL?

22 EK NO.

23 [REDACTED] OKAY. AHM ARE YOU AWARE OF THE POLICY ABOUT SHOOTING
24 AT MOVING VEHICLES?

25 EK YES.

1 [REDACTED] AND WHAT DOES IT SAY?

2 EK AH IT SAYS THAT WE'RE BASICALLY, ONLY TO DO IT AH TO
3 PREVENT AH INJURY TO OURSELVES OR OTHERS. SO IT'S A,
4 AH, IT'S A LIFE OR DEATH DECISION.

5 [REDACTED] AND HAVE YOU READ THAT POLICY SINCE THIS HAPPENED OR
6 REVIEWED THAT POLICY?

7 EK AH YES. AH YES, I HAVE. I TESTED FOR RANGEMASTER SO I
8 REVIEWED ALL THE FIREARM POLICIES AS WELL.

9 [REDACTED] AHEN WHEN YOU FIRED YOUR FIRST SHOT, WHERE WERE YOU
10 AIMING?

11 EK AH AT HIM. I, I BELIEVE YOU KNOW MY AHEN, IT WAS, IT
12 WAS AH WHILE I WAS MOVING AND GETTING OUT OF THE WAY
13 AND, AND FIRING. YOU KNOW MY ONLY INTENT WAS TO HIT
14 HIM SO.

15 [REDACTED] DID YOU EVER AIM AT THE TIRE OR INTEND TO SHOOT THE
16 TIRE?

17 EK NO.

18 [REDACTED] AHEN WERE YOU, AND I'M NOT, I'M NOT A GUN...GUN GUY SO
19 WERE YOU, DID YOU PICK UP YOUR SIGHTS AND PUT IT ON HIM
20 OR YOU WERE YOU MORE OF A PORT...POINT AND SHOOT TYPE
21 THING IN THAT...

22 EK IT WAS, IT WAS POINT AND SHOOT.

23 [REDACTED] OKAY.

24 EK AND YOU KNOW THAT EXPERIENCE KIND OF TAUGHT ME THAT
25 WHILE I'M ON THE SIGHTS A, A PRETTY GOOD SHOT, AT POINT

1 AND SHOOT, I'M USUALLY OKAY. AHM YOU KNOW THERE'S
2 SOMETHING TO BE LEARNED FROM THAT, THAT IT'S AH POINT
3 AND SHOOT ON THE MOVE AND ALL THE, ALL OF THE THINGS
4 COMBINED...

5 MM MM.

6 EK ...A MO...YOU KNOW A MOVING SUSPECT. IT'S AH IT'S HARD,
7 IT'S HARD AND AHM CERTAINLY AH I GUESS IT, IT WAS KIND
8 OF LIKE IN YOUR MIND BECAUSE YOU ALWAYS LINE UP ON THE
9 SIGHTS, YOU'RE ASSUMING THAT'S THE SHOT YOU'RE GONNA
10 TAKE. I DIDN'T HAVE THAT LUXURY. I MEAN IT, I THINK
11 IF I HAD STAYED IN FRONT OF THE VEHICLE, I PROBABLY
12 COULD A SHOT RIGHT THROUGH THE WINDSHIELD AND, AND HAD
13 A GOOD SIGHT AND THEN BE HIT BY A CAR. SO IT, MY, MY
14 ACTIONS WERE NOT IDEAL FOR, FOR AH YOU KNOW
15 MARKSMANSHIP. IF I WAS HITTING A BULLSEYE, THAT WOULD
16 NOT BE THE SITUATION I WANTED TO BE IN BUT AH MY INTENT
17 WAS TO SHOOT HIM.

18 AHM JUST SO I'M CLEAR ON THE, ON THE LA...THE LAST
19 SEVERAL SHOTS. WHEN YOU'RE SHOOTING, WHEN YOU'RE
20 SHOOTING AHM SORRY DIAGRAM #3 HERE. WERE YOU AWARE OF
21 YOUR BACKDROP ON THESE SHOTS?

22 EK AH I MEAN AS FAR AS I COULD SEE, IT WAS AH IT WAS AN
23 EMPTY STREET. AHM AGAIN IT'S, IT'S DOWNHILL FOR ME SO
24 THE BACKDROP IS THE ASPHALT AND AHM YOU KNOW A
25 VEHICLE, HIM AND THE ASPHALT WAS THE BACKDROP.

1 [REDACTED] OKAY SO YOU WEREN'T CONCERNED ABOUT ANY ROUNDS GOING
2 TOWARDS THE GATEWAY MALL?

3 EK NO.

4 [REDACTED] OKAY. AHM...

5 [REDACTED] WHAT ABOUT IN THAT POSITION THERE BEFORE YOU WERE IN
6 THAT POSITION THERE WHERE THE VEHICLE'S GOING AWAY FROM
7 YOU, DID YOU SEE ANY BYSTANDERS OR STANDINGS OR KIDS IN
8 THAT AREA. I KNOW YOU SAID NO TOWARDS THE PARK BUT AS
9 YOUR VIEW CHANGED TO LOOKING DOWN THE STREET, DID YOU
10 SEE ANY BYSTANDERS?

11 EK NO.

12 [REDACTED] DO YOU KNOW THERE WERE BYSTANDERS ON THE STREET IN
13 HINDSIGHT?

14 EK I'VE HEARD THAT THERE WERE AH AT LEAST, AT LEAST ONE
15 BUT AH DIDN'T SEE THEM.

16 [REDACTED] OKAY. AHM SO AFTER THIS CAR, AH AFTER HE, CHACKA
17 DRIVES AWAY, DID YOU SEE HIM MAKE THAT RIGHT TURN ON,
18 ONTO DONAHUE?

19 EK YES.

20 [REDACTED] DID YOU SEE THE VEHICLE DO ANYTHING WHEN HE MADE THAT
21 RIGHT TURN? WAS IT A HIGH SPEED TURN?

22 EK YES.

23 [REDACTED] HOW, HOW FAR...FAST WOULD YOU ESTIMATE HE WAS GOING?

24

25

1 EK IT'D BE HARD TO SAY AH I WOULDN'T, I WOULDN'T MAKE AN
2 ESTIMATE. I SAW HIM MAKE IT, I WAS CHASING AFTER THE
3 CAR SO I SAW HIM...

4 DID HE HIT THE BRAKES WHEN HE MADE THE TURN OR DID HE
5 JUST...

6 EK I BELIEVE HE SLOWED DOWN A LITTLE BIT BUT IT, THERE WAS
7 NO COMPLETE STOP AND THEN HE MADE THAT TURN RAPIDLY.

8 OKAY.

9 DID YOU NOTICE IF HE HAD A GREEN LIGHT, RED LIGHT, DID
10 YOU NOTICE WHAT THE TRAFFIC CONDITIONS WERE?

11 EK NO.

12 AND SO AT WHAT POINT DID YOU AHM WHEN YOU, WHEN YOU
13 FOLLOWED AFTER HIM, WHAT POINT DID YOU MOVE TO THE
14 SIDEWALK OR DID YOU MOVE TO THE SIDEWALK?

15 EK I DID MOVE TO THE SIDEWALK. AHM IT WAS PRETTY, PRETTY
16 RAPIDLY AFTER THAT. I MEAN I WAS RUNNING DOWNHILL. I
17 KNOW MY RADIO TRAFFIC WAS FROM THE SIDEWALK AS I WAS
18 RUNNING DOWN THE SIDEWALK STILL AH SO PRETTY RAPIDLY
19 AFTER THAT. AHM I COULDN'T, I COULDN'T SAY AHM HOW
20 FAR I HAD RUN.

21 OKAY. AHM DID, WHEN SO YOU MAY HAVE ANSWERED THIS BUT
22 I DON'T REMEMBER. AHM DID, DID YOU HIS TIRES SQUEAL
23 WHEN HE GOT OUT OR WAS HE BURNING RUBBER GETTING OUT OF
24 THERE OR WAS JUST A RAPID ACCELERATION?

25 EK I THINK IT WAS JUST A RAPID ACCELERATION.

1 [REDACTED] AHM SO WHEN YOU, AFTER YOU, YOU MENTION THAT YOU, YOU
2 WALKED DOWN TO THE CORNER AND YOU SAW A GUY DOWN BY THE
3 FREEWAY I THINK YOU SAID?

4 EK YEAH.

5 [REDACTED] AND HE WAS KIND POSI...HE WAS KIND A MOTIONING THAT HE
6 HAD TURNED ON TO DRAKE?

7 EK AH HE WAS PRETTY FAR AWAY FROM ME. AHM HE WAS AH, HE
8 WAS DOWN, LIKE I SAID BY THE, BY THE OFF-RAMP. SO HE
9 WAS OVER THERE AHM SO I DON'T KNOW WHAT THE DISTANCE
10 IS BUT HE'S PRETTY FAR AWAY BUT HE WAS VERY CLEARLY
11 GESTURING UP DRAKE, THE, THE TURN INTO DRAKE.

12 [REDACTED] OKAY. SO DID YOU JUST, DID YOU STOP RIGHT HERE ON THE
13 CORNER OR DID YOU, I'M SORRY OR DOWN HERE ON THE OR DID
14 YOU, DID YOU MAKE THAT TURN ONTO...

15 EK I MADE A LITTLE BIT OF THE TURN AH IN LOOKING FOR THE
16 VEHICLE AHM NOT, NOT TOO FAR BUT I MADE A LITTLE BIT
17 OF THE TURN.

18 [REDACTED] OKAY. AHM SO YOU GET BACK HERE AHM IS IT, HAD CARS
19 BEEN GOING JUST AFTER THE SHOOTING, HAD CARS BEEN GOING
20 PAST AND...

21 EK I DIDN'T NOTICE ANY COMING MY DIRECTION AH BUT...

22 [REDACTED] BY YOUR DIRECTION YOU MEAN TOWARDS DONAHUE OR DO YOU
23 MEAN TOWARDS TERRACE?

24 EK AH TOWARDS AHM, TOWARDS DONAHUE FROM TERRACE.

25 [REDACTED] OKAY.

1 EK BUT AS I WAS COMING BACK THERE WERE VEHICLES GOING UP,
2 AH UP TERNERS TOWARDS TERRACE.

3 [REDACTED] OKAY. AND SO IS THAT, IS THAT THE POINT WHERE YOU
4 STOPPED, YOU JUST GOT IN THE STREET AND STOPPED TRAFFIC
5 FROM COMING THAT WAY?

6 EK AH WELL I WAS BEHIND THE VEHICLES GOING UP AND SO I
7 WENT UP AH AND I, MY, THAT'S WHEN I WENT TO MY VEHICLE
8 AND MOVED IT INTO THE ROADWAY.

9 [REDACTED] OKAY SO THERE WAS A FEW VEHICLES THAT RAN OVER THE
10 CRIME SCENE BASICALLY?

11 EK YES.

12 [REDACTED] OKAY.

13 EK INCLUDING A POLICE CAR.

14 [REDACTED] YES AHEM...

15 MH LET ME ASK THIS, DID YOU NOTICE WHEN THOSE VEHICLES
16 WENT THROUGH THE CRIME SCENE, DID YOU NOTICE LIKE SEE
17 ANY CASINGS ROLLING OR ANYTHING LIKE THAT, THAT YOU
18 KNOW WAS MOVED?

19 EK I COULDN'T, I COULDN'T SEE 'EM.

20 [REDACTED] OKAY.

21 [REDACTED] DID ANY VEHICLES PULL OVER TO THE SIDE TO, TO STOP AND
22 LOOK?

23 EK NO, NO THERE WERE PEOPLE AH...AT THAT POINT NO.
24 BY THE TIME I MOVED MY VEHICLE, I HADN'T SEEN ANYBODY
25 PULL OVER TO THE SIDE TO STOP AND LOOK. THE CRO...THERE

1 WAS PEOPLE OUT. AS I WAS MAKING MY WAY BACK UP
2 TERNERS, THERE WERE PEOPLE WHO HAD COME OUT AHM AT
3 LEAST A FEW HAD COME OUT FROM THE APARTMENTS AND THEN
4 THAT CROWD GATHERED AT THE, AT THE, AT THE AH CORNER
5 THERE.

6 [REDACTED] OKAY WERE THERE KIDS PLAYING THE PARK OVER HERE ON THE
7 I GUESS THAT WOULD BE THE WEST SIDE?

8 EK I, I DON'T KNOW.

9 [REDACTED] OKAY. AHM SO WHAT, WHAT DID YOU SAY TO THE, TO THE
10 PEOPLE IN THE CROWD AFTER?

11 EK AH SOMEBODY YELLED SOMETHING AT ME AND I TOLD THEM YOU
12 KNOW THAT GUY JUST TRIED TO RUN ME OVER AND THEY, HE
13 WAS SCREAMING AT ME. THERE WAS A GUY SCREAMING AT ME
14 FROM THIS GROUP. AH AND THAT WAS IT, THAT WAS MY ONLY
15 INTERACTION WITH, WITH THEM.

16 [REDACTED] WHAT WELL, WHAT DID THIS GUY LOOK LIKE?

17 EK I DON'T, I DON'T RECALL. IT WAS FROM A, FROM A GOUP OF
18 PEOPLE.

19 [REDACTED] WHITE GUY, BLACK GUY? YOU DON'T REMEMBER ANYTHING?

20 EK NO.

21 [REDACTED] OKAY AND THAT'S, THAT'S ALL THE INTERACTION YOU HAD?

22 EK YES.

23 [REDACTED] OKAY. AHM AND YOU'RE SURE THAT YOU TURNED YOUR LIGHTS
24 ON?

25 EK YES.

1 [REDACTED] AT WHAT POINT DID YOU SHUT THEM OFF?

2 EK I DON'T RECALL.

3 [REDACTED] DID YOU, DID YOU LEAVE 'EM ON WHEN THE VEHICLE WAS
4 BLOCKING THE STREET?

5 EK I THINK I DID. I DON'T, I DON'T AH I DON'T REMEMBER.

6 [REDACTED] OKAY AND THE CAR WAS RUNNING AND EVERY...I ASSUME YOU
7 DIDN'T HAVE TIME TO STOP AND SHUT IT OFF AGAIN.

8 EK (UNCLEAR.)

9 [REDACTED] DO YOU HAVE ANY OTHER.

10 [REDACTED] I JUST HAVE ONE FOLLOW-UP QUESTION. SO WHEN YOU SEE,
11 WHEN YOU SEE THE CAR COMING AROUND THE CORNER FROM
12 TERRACE ON TO TERNERS RIGHT AND YOU TURN ON TO TERNERS
13 FROM DONAHUE...

14 EK YEAH I WAS ALREADY ON TERNERS WHEN IT, WHEN IT...

15 [REDACTED] SO YOU GUYS ARE COMING AT EACH OTHER, YOU SEE THE
16 VEHICLE RIGHT, THAT'S WHAT CATCHES YOUR EYE IS THAT
17 VEHICLE THAT YOU CALLED HUGGING THE CURB OR WHATEVER...

18 EK YEAH.

19 [REDACTED] ...DODGING THE CURB...

20 EK GRABBING THE CURB.

21 [REDACTED] GRABBING.

22 [REDACTED] AH AT THAT POINT YOU HAVE NO IDEA WHO'S DRIVING THAT
23 VEHICLE OR HOW MANY OCCUPANTS, CORRECT?

1 EK NO AHM WELL I, AS FAR AS THE OCCUPANTS GO, I MEAN I
2 COULD, I COULD SEE A PERSON IN THE VEHICLE OBVIOUSLY
3 DRIVING IT. YOU KNOW I DIDN'T SEE ANYBODY ELSE.

4 [REDACTED] BUT YOU DIDN'T KNOW WHO THAT PERSON WAS?

5 EK NO, I HAD NO RECOLLECTION OF THAT VEHICLE AT ALL AHM
6 AND IT'S, WHICH IS KIND OF INTERESTING TO ME BECAUSE I
7 HAD, HAVING WORKED IN MARIN CITY FOR A WHILE AND THEN
8 MAKING YOU KNOW LOTS OF TRAFFIC STOPS AND I ENCOUNTERED
9 THE SAME VEHICLES MULTIPLE TIMES YOU KNOW DRIVING
10 AROUND, RUNNING LICENSE PLATES ALL THE TIME. I DON'T
11 RECALL THAT VEHICLE AT ALL. AH I'VE NEVER STOPPED
12 CHAKA GRAYSON ON A TRAFFIC STOP. I'VE NEVER STOPPED A
13 CAR THAT HE WAS IN SO I AHM I WASN'T FAMILIAR WITH IT,
14 WHICH IS UNUSUAL. AND I JUST AH RECALL THE AH THE
15 FEMALE WHO WAS HELPING HIM MOVE WAS [REDACTED]

16 [REDACTED] SO AT...

17 EK ...THAT NIGHT (UNCLEAR.)

18 [REDACTED] ...AT WHAT POINT DO YOUR, DO YOU ID CHAKA IN THE CAR?

19 EK AS I WAS AH SO I WOULD SAY YOU KNOW, HIS VEHICLE, MY
20 VEHICLE. AH AS SOON AS I CAN SEE THE PERSON, I CAN
21 TELL IT'S HIM.

22 [REDACTED] AND THERE'S ONLY ONE PERSON IN THAT VEHICLE AT THAT
23 TIME AS FAR AS YOU KNOW?

24 EK YES, AND I YOU KNOW BECAUSE OF, I THINK THE REASON I
25 CAN SAY I DIDN'T SEE PEOPLE OR OTHER VEHICLE OR

1 CHILDREN OR WHATEVER ELSE THERE MIGHT HAVE BEEN, THAT
2 VEHICLE'S MOTIONS HAD MY ATTENTION. THE, THE WHOLE WAY
3 I'M DRIVING UP, I MEAN THERE WASN'T, THERE WASN'T A LOT
4 OF TIME BUT IN THAT TIME, I'M WATCHING THAT VEHICLE AND
5 SO AS SOON AS IT YOU KNOW WAS, WAS VISIBLE TO ME AH IT
6 WAS CLEAR IT WAS HIM IN THE PASSENGER SEAT.

7 [REDACTED] SO HOW DO, HOW DO YOU KNOW CHAKA WAS DRIVING THAT CAR?
8 EK BECAUSE OF THE MOTION THE VEHICLE TOOK AS IT, AS IT
9 PARKED AH YOU KNOW DRAWING MY ATTENTION AND NOT MY
10 ATTENTION NOT BEING DIVERTED FOR A SECOND. THE AREA IT
11 WAS PARKED YOU KNOW WAS, IS OPEN. THERE WAS NO
12 POSSIBLE WAY THAT SOMEONE ELSE COULD HAVE BEEN DRIVING
13 THAT VEHICLE OR IN THAT VEHICLE. AND IN THE TIME THAT
14 I SA...FROM WHEN I SAW IT, TO THE TIME WHEN IT DROVE
15 AWAY, I NEVER LOST SIGHT OF ANY PART OF IT AH THAT
16 WOULD HAVE ALLOWED A PERSON TO MOVE IN OR OUT.

17 [REDACTED] OKAY.

18 [REDACTED] AHM JUST ONE MORE FOLLOW UP QUESTION. DO YOU, SO IN,
19 IN THE INTERVIEW WITH NOVATO, WHEN YOU ORIGINALLY DID
20 THE INTERVIW WITH NOVATO, YOU NEVER MENTIONED ANYTHING
21 ABOUT A FLEEING, FIRING AT THE VEHICLE BECAUSE IT WAS A
22 FLEEING, BASICALLY A FLEEING FELON.

23 EK SURE. AHM AGAIN MY, MY BELIEF IS THAT AH HE WAS GOING
24 TO HIT ME AND AT THAT POINT, WAS STILL NOT ONLY CAPABLE
25 BUT HAD ALREADY SHOWN AH YOU KNOW SHOWN THAT HE

1 INTENDED TO. THERE WAS AN INTENT TO HIT ME AH AND SO
2 AH YOU KNOW ALL THOSE THINGS COME TO MIND YOU KNOW BUT
3 AH HE WAS A FLEEING FELON AT THAT POINT, AH BUT THE
4 INTENT WAS TO STOP HIM FROM ASSAULTING ME. I MEAN THAT
5 WAS, THAT WAS, THAT WAS IT. THAT WAS MY BELIEF AH AND,
6 AND WHETHER OR NOT MY CONTINUING TO SHOOT STOPPED THAT,
7 AND OBVIOUSLY THIS IS A FEW SECONDS BUT I, I CAN'T SAY.
8 AH HE, HE COULD HAVE JUST AS EASILY PUT IT BACK IN
9 REVERSE OR WHIPPED IT AROUND OR CONTINUED TO TURN. SO
10 WHETHER MY FIRST SHOT STOPPED HIM FROM CONTINUING TO
11 TURN OR MY LAST SHOT STOPPED HIM FROM TURNING AROUND OR
12 PUTTING IT IN REVERSE, I DON'T KNOW BUT AH IT'S A
13 POSSIBILITY AND IT CERTAINLY WAS MY BELIEF AT THE TIME.
14 AHM SO AH YOU KNOW AH OBVIOUSLY YOU DON'T SIT THERE
15 AND A FLEEING FELON IS WHAT IT IS REGARDLESS OF HOW
16 YOU, YOU KNOW I GUESS HOW YOU ANALYZE IT AND
17 CHARACTERIZE IT LATER. THE CONDITIONS OF THE SITUATION
18 WERE HE HAD TRIED TO RUN ME OVER AND A FLEEING FELON IS
19 DANGEROUS BECAUSE HE WAS, COULD HAVE CONTINUED TO
20 ASSAULT ME OR ATTEMPT TO ASSAULT ME OR WHATEVER HE WAS
21 GONNA DO. SO I GUESS THE YOU KNOW THE DIFFERENCE IN
22 SAYING IT NOW AND IN NOT SAYING IT THEN, THE ACTION WAS
23 THE SAME YOU KNOW. A FLEEING FELON IS A GUY WHO'S
24 GONNA TURN HIS CAR AROUND AND TRY TO HIT ME AGAIN AND
25 HE'S ALSO SOMEBODY WHO'S YOU KNOW IT'S ALSO STOPPING

1 THE ASSAULT. AHM AND, AND YOU KNOW AND MY VIEW ON IT,
2 IT'S THE SAME, THE SAME ACTION AS YOU KNOW GOES BOTH
3 WAYS BUT IT'S ALL THE SAME, THE SAME THING IF THAT
4 MAKES SENSE.

5 AHM KIND OF BUT NOT REALLY. I MEAN IF HE'S A FLEEING
6 FELON, YOU'RE, YOU'RE WORRIED ABOUT CAPTURING HIM
7 BECAUSE HE MIGHT GO OUT AND HURT SOMEBODY ELSE.

8 EK AND THAT SOMEBODY ELSE WAS ME. AND IT WAS ME IN, IN
9 THE SAME WAY THAT HIM PUTTING IT IN REVERSE OR TURNING
10 IT AROUND TO HIT ME, IT WAS ME.

11 OKAY. OKAY. YOU WANT A TALK, ANYTHING ELSE?

12 NO, NOTHING ELSE.

13 OKAY.

14 CAN I ASK?

15 ABSOLUTELY.

16 OKAY, THANK YOU.

17 SURE.

18 AH I THINK THAT YOU'VE COVERED THIS, DEPUTY KUBOTA,
19 OVER THE LAST TAPE OF THIS INTERVIEW BUT I THINK THAT
20 IT WOULD BE HELPFUL FOR EVERYONE AND IT WOULD BE A
21 LITTLE MORE SUCCINCT. IF YOU COULD JUST ITEMIZE FOR US
22 WHY IT IS YOU FELT IT WAS NECESSARY TO USE THAT LEVEL
23 OF FORCE.

24 EK IT WAS, IT WAS NOT JUST CLEAR BUT IT WAS...THE OUTCOME OF
25 ME BEING IN A POSITION I FOUND MYSELF IN AND HIS

1 ACTIONS, FROM THE FIRST SHOT I FIRED TO THE LAST SHOT I
2 FIRED WERE TO KEEP HIM FROM RUNNING ME OVER. WHETHER I
3 WAS STANDING DIRECTLY IN FRONT OF THE VEHICLE WHEN HE
4 ACCELERATED AH TO MOVING OUT OF THE WAY TO TRYING TO
5 AVERT HIM CONTINUING TO TRY AND HIT ME, YOU KNOW.
6 ALTHOUGH EVERY SHOT I FIRED WAS TO THE SAME END, TO
7 STOP HIM FROM RUNNING ME OVER. AH YOU KNOW HE, I'VE
8 BEEN IN, I'VE HAD PEOPLE DRIVE AWAY FROM ME MULTIPLE
9 TIMES AH YOU KNOW A COUPLE OF TIMES ON TRAFFIC STOPS,
10 AND EVEN HIM YOU KNOW HE RAN INTO A CAR WHILE I WAS
11 STANDING NEXT TO THE VEHICLE WITH MY WEAPON DRAWN.
12 THOSE INCIDENTS NEVER CAUSED ME TO FIRE MY WEAPON
13 BECAUSE SOMEONE DRIVING AWAY ISN'T A REASON TO SHOOT
14 'EM EVEN IF YOU KNOW THEY'RE FELONS, EVEN IF YOU KNOW
15 YOU'RE GONNA GET IN A VEHICLE PURSUIT. SOMEBODY
16 DRIVING AWAY AND I'M STANDING THERE YOU KNOW HITTING A
17 CAR AND A HIT AND RUN, IF MY LIFE WASN'T IN DANGER, I
18 NEVER PULLED THE TRIGGER BECAUSE I NEVER NEEDED TO.
19 FROM THE SECOND HE ACCELERATED WHEN I WAS IN FRONT OF
20 HIS VEHICLE, TO THE SECOND I FIRED THAT LAST SHOT, MY
21 LIFE WAS IN DANGER AND HIS INTENT WAS CLEAR THAT HE WAS
22 GONNA HIT ME TO ESCAPE AH OR TO HIT ME. SO I THINK
23 THAT YOU KNOW SUCCINCTLY PUT, EVERY SHOT I FIRED WAS
24 BECAUSE I FEARED HE WAS GONNA TRY AND RUN ME OVER AND
25 TO STOP HIM.

1 ■ DID YOU FEEL THAT YOU HAD AN ALTERNATIVE?

2 EK NO. NO AH BECAUSE I CAN'T SPEAK TO HIS, TO HIS FRAME
3 OF MIND. AH YOU KNOW IF I WAS HIM AND I COULD SIT
4 THERE AND SAY WELL I WAS JUST DRIVING AWAY, THAT'S
5 GREAT BUT I'M NOT HIM AND I DON'T KNOW THAT THAT WAS
6 WHAT WAS GOING THROUGH HIS HEAD. I COULD JUST AS
7 EASILY BE HIM AND SAY WELL I WAS GONNA WAIT FOR HIM TO
8 TURN AROUND AND GO TO HIS CAR AND RUN INTO IT OR RUN
9 INTO HIM OR RUN HIM OVER AS SOON AS HE TURNS AROUND YOU
10 KNOW. WHERE HE WAS GOING, WHY HE WAS GOING, WHAT HE
11 HAD AND WHAT HE WAS DOING, THAT'S ALL UNKNOWNNS E...EVEN
12 NOW BUT AH THERE WAS NOT AN ALTERNATIVE.

13 ■ BASED ON THE FACTS AS YOU KNEW THEM AT THAT MOMENT?

14 EK CERTAINLY.

15 ■ OKAY.

16 ■ SO YOU HAVE RUN TO THE WEST SIDE OF THE STREET AND GET
17 ON THAT SIDEWALK?

18 EK NOT IN THE TIME IT WOULD HAVE PROVIDED THE, THE COVER.
19 HE COULD HAVE STILL HIT ME YOU KNOW IN THOSE WHATEVER
20 IT WAS, THREE/FOUR SECONDS. AH I WAS AT A DISADVANTAGE
21 AND I DON'T THINK I, I WAS AH, I KNOW I WASN'T GONNA BE
22 ABLE TO GET OUT OF THE WAY THAT QUICKLY.

23 ■ GOOD.

24 ■ OKAY WE'RE GONNA END THE INTERVIEW. IT IS...

25 ■ ELEVEN TWENTY-SIX.

1 ■ ELEVEN TWENTY-SIX, THANK YOU.
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MARIN COUNTY SHERIFF'S OFFICE
BUREAU OF ADMINISTRATION
& SUPPORT SERVICES

MIRANDA RIGHTS

ADMONITION: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer and have him/her present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish one.

WAIVER: Do you understand each of these rights I have explained to you?

Having these rights in mind are you willing to speak with us / me now?

Signature: _____

Print Name: _____

Statement taken by: _____

Date & Time: _____

LYBARGER ADVISEMENT

I have been advised that the Professional Standards Unit is proceeding administratively with this investigation and I am being ordered to provide a statement according to **Lybarger v. Los Angeles, 40 Cal. 3rd 822, 829, 221 Ca. Rptr. 529, 533 (1985).**

I have been advised that I am compelled to give a statement; and neither this statement nor any information derived from this interview may be used in any criminal and/or civil proceeding pursuant to the Public Safety Officers Bill of Rights Act. **Government Code Section 3300 et seq.**

I have been advised that if I refuse to give a statement or answer any questions regarding this matter, since the inquiry is administrative, I may be charged with insubordination and be subject to disciplinary action up to and including termination. **Rules and Regulations: 410.18 – Insubordination**

Signature: 1677

Print Name: EVAN KUBOTA

Statement taken by: 5/2/14 

Date & Time: 1/2/14



MARIN COUNTY SHERIFF'S OFFICE
BUREAU OF ADMINISTRATION
& SUPPORT SERVICES

Date: 01/02/14

To: Deputy Evan Kubota #1679

SUMMARY EXPLANATION OF PEACE OFFICERS RIGHTS

Government Code Section 3303:

(A) When any public safety officer is under investigation and subjected to interrogation by his or her commanding officer, or any other member of the employing public safety department, that could lead to punitive action, the interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

- (a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If the interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for any off-duty time in accordance with regular department procedures, and the public safety officer shall not be released from employment for any work missed.
- (b) The public safety officer under investigation shall be informed prior to the interrogation of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.
- (c) The public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.
- (d) The interrogating session shall be for a reasonable period, taking into consideration the gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his or her own personal physical necessities.
- (e) The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the

investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his or her express consent nor shall his or her home address or photograph be given to the press or news media without his or her express consent.

- (f) No statement made during interrogation by a public safety officer under duress, coercion, or threat of punitive action shall be admissible in any subsequent civil proceeding. This subdivision is subject to the following qualifications:
 - 1. This subdivision shall not limit the use of statements made by a public safety officer when the employing public safety department is seeking civil sanctions against any public safety officer, including the disciplinary action brought under Government Code Section 19572.
 - 2. This subdivision shall not prevent the admissibility of statements made by the public safety officer under interrogation in any civil action, including administrative actions, brought by that public safety officer, or that officer's exclusive representative, arising out of a disciplinary action.
 - 3. This subdivision shall not prevent statements made by a public safety officer under interrogation from being used to impeach the testimony of that officer after an *in camera* review to determine whether the statements serve to impeach the testimony of the officer.
 - 4. This subdivision shall not otherwise prevent the admissibility of statements made by a public safety officer under interrogation if that officer subsequently is deceased.
- (g) The complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports that are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation.
- (h) If prior to or during the interrogation of a public safety officer it is deemed that he or she may be charged with a criminal offense, he or she shall be immediately informed of his or her constitutional rights.
- (i) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall

have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for noncriminal matters.

This section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with a supervisor or any other public safety officer, nor shall this section apply to an investigation concerning solely and directly with alleged criminal activities.

- (j) No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his or her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.

Government Code Section 3308

No public safety officer shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, sources of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under State law or proper legal procedure, tends to indicate a conflict of interest with respect to performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.

Government code Section 3309

No public safety officer shall have his locker or other spaces for storage that may be assigned to him searched, except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.

DO YOU UNDERSTAND YOUR RIGHTS AS OUTLINED ABOVE? YES

DO YOU WANT A REPRESENTATIVE PRESENT AT THIS TIME? YES

DO YOU VOLUNTARILY WAIVE YOUR RIGHTS TO HAVE A REPRESENTATIVE PRESENT AT THIS TIME? NO

SIGNED: [Signature] PRINT NAME: EVAN KUBOTA

DATE / TIME: 1/2/14 @ 1004 INVESTIGATOR: [Redacted]

Note: Please refer to the Government Code for full text of the Public Safety Officers Procedural Bill of Rights Act.



MARIN COUNTY SHERIFF'S OFFICE
BUREAU OF ADMINISTRATION
& SUPPORT SERVICES

Date: 01/02/14
To: Deputy Evan Kubota #1679
From: Sergeant [REDACTED]
Subject: Notice of Administrative Investigation
CC:
SI: 13-10

Instructions: *This form is to be completed for each accused member or employee of the Marin County Sheriff's Office.*

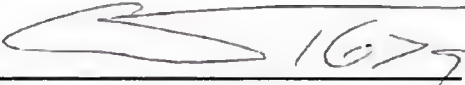
An administrative investigation is being conducted of the events that occurred on date:

The complainant alleges that you did the following:

You are ordered to report to: on: at: hours to answer questions relating to the administrative investigation. I will be the investigator in charge of this interrogation. The following individuals will be present:

You will have been given a copy of your Peace Officers Rights and you should read and understand them before the administrative interrogation begins (see attached).

You are hereby ordered, that effective immediately, **YOU ARE NOT TO DISCUSS ANY INFORMATION CONCERNING THIS INVESTIGATION WITH ANY PERSON EXCEPT THE INVESTIGATOR, YOUR REPRESENTATIVE AND YOUR LEGAL COUNSEL.** FAILURE TO COMPLY WITH THIS ORDER WILL BE DEEMED INSUBORDINATION AND WILL RESULT IN DISCIPLINARY ACTION THAT COULD RESULT IN TERMINATION.


Employee Signature

1/2/14
Date



MARIN COUNTY SHERIFF'S OFFICE
BUREAU OF ADMINISTRATION
& SUPPORT SERVICES

Date: 01/02/14
To: Deputy Evan Kubota #1679
From: Sergeant [REDACTED]
Subject: Integrity Admonishment
CC:
SI: 13-10

Instructions: This form will be completed for every MCSO employee. The signed original shall be retained with the investigative file.

Upon entering law enforcement, you swore to uphold a Code of Ethics. Prior to giving a statement in this pending investigation, please review and remember the following lines from that code.

"Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department."

Honesty and truthfulness are core values and essential characteristics for a peace officer. The public we serve and the courts in which we testify demand no less.

You are advised as a result of recent court decisions related to the prosecution's *affirmative duty* to disclose potentially exculpatory evidence to a defendant in any criminal proceeding [*Brady v. Maryland* (1963)], the Marin County Sheriff's Office may be compelled to disclose any administrative evidence in its possession concerning an employee's lack of honesty to the Courts, District Attorney's Office and ultimately disclosure is not limited by any historical parameter; evidence can be expected to be considered by prosecutors, judges, and the defense bar in all criminal proceeding involving that employee. Such evidence can also be expected to directly and negatively impact the degree of credibility assigned to that employee by the ultimate trier of fact.

Untruthfulness or dishonesty in the course of your duties, which includes any interviews related to this pending investigation, will result in disciplinary allegations, which if sustained, constitute the administrative evidence recently deemed discoverable under "Brady," the consequences of which will likely be the termination of your employment. If you do not understand a specific question asked of you during this investigation, seek clarification before answering.

If you do not understand the long-term effects of departing from the truth during this investigation, ask the investigator, your employee representative, or your attorney.

By signing this document, I hereby acknowledge my duty to be forthright and completely honest at all times. Furthermore, I understand violations of this duty may cause termination of my employment with the County of Marin.

Employee's Signature: _____

 1679

Investigator's Signature: _____



Date and Time: _____

1/2/14 @ 1004



MARIN COUNTY SHERIFF'S OFFICE
BUREAU OF ADMINISTRATION
& SUPPORT SERVICES

Date: 01/01/14

To: Deputy Evan Kubota

From: Sergeant [REDACTED]

Subject: Notice of Administrative Interrogation
CC
SI 13-10

Instruction: *This form is to be completed for each accused member or employee of the Marin County Sheriff's Office.*

You are ordered to report to location: MCSO Investigations on date: 01/02/14 at time: 10:00 am to answer questions relating to the administrative investigation. I will be the investigator in charge of this interrogation. The following individuals will be present:

Sergeant [REDACTED]

Sergeant [REDACTED]

All questions during the interrogation will be asked through no more than two (2) interrogators at one time. The complete interrogation will be recorded. You will have access to the tape recording if further proceedings are anticipated or prior to any further interrogation at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the interrogation. You will be entitled to all reports and/or complaints made by the investigators or other persons, except reports deemed to be confidential, and they will also be entered into your personnel file.

You have the right to be represented by a representative of your choice who may be present at all times during the interrogation(s). This person shall not be a subject or witness to the same investigation. Your representative shall not be required to disclose, nor be the subject of any punitive action for refusing to disclose any information received from you while under investigation for non-criminal matters.

You will not be subject to a visit from the press or news media without your express consent. Neither your home address nor photograph will be given to the press or news media without your express consent.

If prior to, or during the interrogation, it is deemed that you may be charged with a criminal offense, you shall immediately be informed of your Constitutional Rights.

✓ 1679
1/1/14

- Your rights are fully outlined in the Public Safety Officer's Bill of Rights Act, Government Code 3300-3311.

Effective immediately, you are hereby ordered to NOT DISCUSS ANY INFORMATION CONCERNING THIS INVESTIGATION WITH ANY OTHER PERSON EXCEPT THE INVESTIGATOR, YOUR REPRESENTATIVE OR LEGAL COUNSEL. FAILURE TO COMPLY WITH THIS ORDER WILL BE DEEMED INSUBORDINATION AND WILL RESULT IN DISCIPLINARY ACTION THAT COULD RESULT IN TERMINATION.



MARIN COUNTY SHERIFF'S OFFICE
BUREAU OF ADMINISTRATION
& SUPPORT SERVICES

Date: 01/20/14

To: Sheriff
(via) Chain of Command

From: Sergeant [REDACTED]

Subject: Addenda – Documentary Evidence – Section 6

Instructions: *The addenda consists of documentary evidence that is pertinent to the investigation. There is no particular order that is required, however each separate item requires a separate item number.*

ITEM NUMBER	ITEM DESCRIPTION
MS9	2 CD's containing photos of all three crime scenes, photos of Grayson's injuries, photos of Deputy Kubota's injuries and photos of search and trajectory tests on Grayson's vehicle.
MS10	Deputy Kubota's training records including firearms qualifications.
MS11	Computer aided dispatch logs.
MS12	Chaka Grayson background information.
MS13	Drug and alcohol test results on both Grayson and Deputy Evan Kubota
MS14	Department of Justice reports regarding this case.
MS15	BVB & Associates use of force report.
MS16	Deputy Evan Kubota Diagrams of the incident.

ITEM NUMBER	ITEM DESCRIPTION
MS17	NPD Total Station Diagrams
MS18	Chaka Grayson County Claim
MS19	Vehicle 09-27 GPS records.
MS20	Email written statement from witness [REDACTED]
MS21	Novato Police Department case file NP13-3957
MS22	911 calls and dispatch tapes of incident.
	[REDACTED] <u>USE OF FORCE REVIEW</u>

POLICE AND JAIL PROCEDURES, INC.

Curriculum Vitae
(Updated April 25, 2014)

With a lifetime of service in the public sector encompassing patrol, jail/custody, and investigatory procedures, [REDACTED] CLS is now a police and jail procedures consultant for attorneys, public agencies, and the media. He has provided expert testimony in United States District Courts and California and Nevada state courts in:

- Use of force (California and Federal District Court)
- Use of the TASER (California Courts + in a Published Opinion)
- Police practices (California, Nevada, and in Federal Courts)
- Arrest Warrant Operations (Nevada Courts)
- Exigent v. Non-Exigent police entry (California Courts)
- Citizen's right to resist excessive force by the police (California Courts)
- Emergency Vehicle Operations (California Courts)
- Narcotics (California and Nevada Courts)
- Sexual assault investigations (Federal Courts)
- Evidence collection in firearms cases (California Courts)
- Use of private security guards (California Courts)
- Prison inmate culture: (California and Federal Courts)
 - jail-made weapons (carrying, using, and manufacture)
 - gang vs. non-gang attacks on staff
 - contraband

and has authored numerous Rule 26 reports for cases in federal court. Mr. [REDACTED] has been designated as a police practices expert by the Los Angeles County Superior Court Committee of Superior Court Judges who have been appointed to maintain a Panel of Expert Witnesses. Mr. [REDACTED] is also a member of the Federal Court Defender's Office police experts' database.

He served as a Lieutenant for various Los Angeles County Sheriff's Department stations as well as correctional facilities throughout Los Angeles County, and commanded many large-scale operations during major natural disasters such as wildfires and earthquakes. Other duties included Sergeant (supervising 20 - 200+ deputies per shift), Narcotics Investigator (co-sworn as a federal agent with federal powers of arrest), Detective, Patrol Deputy, and Training Officer. He was consistently commended for his professionalism, his outstanding performance, and his dedicated service to the community.

He has provided training in the proper handling of various public interactions such as high-risk incidents, tactical command skill in tense situations, use of force including when and when not to use the Taser, proper patrol procedures, emergency skills preparedness and training, officer safety, incident report writing, California penal codes, police ethics (excessive use of force and falsifying reports and testimony), and supervision and leadership skills for newly promoted sergeants and lieutenants.

In his thirty-year career, Mr. [REDACTED] has extensive experience in analyzing use of force in patrol and in the jails, including the use of the Taser, by his subordinates to determine if the force used was proper, reasonable, and within policy. He has performed numerous full "force reviews" of deputy personnel who have used force a disproportionate number of times per year.

Mr. [REDACTED] has investigated numerous complaints from private citizens and inmates concerning allegations of deputy misconduct.

Mr. [REDACTED] commanded and investigated numerous high speed pursuits. Mr. [REDACTED] was a participating member of the Los Angeles County Sheriff's Department Pursuit Evaluation Committee.

As a patrol watch commander, Mr. [REDACTED] commanded numerous high-risk barricaded suspect operations as well as deploying K9s after dangerous suspects.

As a watch commander in various divisions of the Los Angeles County Sheriff's Department, Mr. [REDACTED] ensured that all staff followed proper protocol and procedures concerning high-risk incidents, barricaded suspects, officer involved shootings, vehicle pursuits, etc.

In a custody environment, Mr. [REDACTED] commanded responses to over 100 major inmate disturbances/riots within large correctional facilities (up to 4,000 inmates), dealing with barricaded inmates, forced cell removals, hostage situations, medical emergencies, fires, evacuations, earthquakes, and ensuring that proper inmate discipline hearings were carried out by sergeant personnel.

Mr. [REDACTED] has commanded responses to numerous attempted and completed jail suicides by hanging, cutting, and jumping. Mr. [REDACTED] has personally discovered three inmates who hanged themselves. Mr. [REDACTED] wrote and instituted a policy that resulted in the reduction of feigned jail suicides by 50%. Mr. [REDACTED] wrote an article about jail suicide prevention which can be viewed on his website.

While assigned to the Lancaster Sheriff's Station, Mr. [REDACTED] was the jail manager and responsible for the station jail that received over 14,000 bookings a year. As a lieutenant he lectured at the Sheriff's academy on the POST certified topic of Crimes Against Persons, and at the Jail Incident Command School on the topics of jail disturbances/riots, cell extractions, and jail-made weapons. As a sergeant he attended the POST Career Integrity and Police Ethics facilitator trainer course on police ethics (excessive use of force and false reporting/testimony), and held over twenty ethics workshops for deputy personnel. As a narcotics investigator, Mr. [REDACTED] testified over 100 times as a narcotics expert in over a dozen courts throughout Los Angeles County and Ventura County. Mr. [REDACTED] has held many in-service use of force training sessions in patrol and in the jails. These sessions often included de-escalation techniques.

Mr. [REDACTED] frequently provides media entities with information and perspective concerning law enforcement policies and procedures. He has also assisted public agencies with opinion, recommendations, and assistance in regard to training manuals, and has written numerous emergency procedures, evacuation plans, response plans, and operations plans. In the private sector he has planned and managed security at various large-scale events, and has provided close-in protection for numerous individuals. He conducts assessments to gauge effectiveness of security measures and recommends adjustments to reduce or eliminate security breaches.

Mr. [REDACTED] feels it is very important to continue with his training. He has received considerable on-going, verifiable, continuing education/training since starting his consulting business. The continuing education/training consists in part of use of force, Taser, firearms, less-than-lethal weapons, excited delirium, jail suicides, and deliberate indifference topics, etc., to name a few.

Certified Litigation Specialist (CLS)

In 2013, Mr. [REDACTED] earned the designation of Certified Litigation Specialist (CLS) from the Americans for Effective Law Enforcement (AELE). The Americans for Effective Law Enforcement was formed in 1966 and opened the Law Enforcement Legal Center in 1973. AELE is a research driven educational organization that produces and disseminates legal information through traditional seminars, via electronic media, and direct contact. Mr. [REDACTED] received his CLS after completing the following litigation-related required training in:

- Lethal and Less Lethal Use of Force
- Arrest-Related, Excited Delirium, Sudden In-Custody Death, Jail Suicide
- Management, Oversight, and Monitoring of Use of Force, including ECW (TASER) Operations and Post-Incident Forensics
- Discipline and Internal Investigations

Appellate Court Published Opinion

Mr. [REDACTED] use of force expert testimony, which included the use of the TASER, was cited in the May 30, 2012, published opinion of the Court of Appeal of the State of California, Second Appellate District, Division Eight, Alma Mendoza v. City of West Covina, et al., B227812, (Los Angeles County, Superior Court. Number: BC387119). In this opinion, the judgment was affirmed.

Lecturer / Public Speaker

In September 2013, Mr. [REDACTED] addressed the Orange County Public Defender's Office, Deputy Public Defenders about use of force issues.

In April 2013, Mr. [REDACTED] addressed the California Association of Licensed Investigators (CALI) on police use of force issues and jail issues.

In July 2012, Mr. [REDACTED] met with the Legal Director of the American Civil Liberties Union of Southern California to give explanation of the importance of evaluating "fight dynamics" in police use of force cases.

In May 2012, a team of attorneys from [REDACTED] on behalf of the Los Angeles County Citizen's Commission on Jail Violence, requested that Mr. [REDACTED] give his recommendations to reduce allegations of improper use of force in Los Angeles County Jails.

In March 2012, Mr. [REDACTED] addressed the Introduction to Corrections class at Kaplan College, Palm Springs, CA about jail issues, including quelling riots and forced cell removals.

In September 2011, [REDACTED] addressed the Los Angeles County Public Defender's Office, Deputy Public Defenders about jail issues.

In July 2011, Mr. [REDACTED] addressed the Los Angeles County Public Defender's Office, Deputy Public Defenders about use of force issues.

In June 2010, Mr. [REDACTED] addressed the National Association of Legal Investigators on police use of force issues during the group's annual meeting in Las Vegas, Nevada.

In March 2010, Mr. [REDACTED] addressed the Riverside, California, Public Defender's Office, Deputy Public Defenders about use of force issues.

In October 2009, Mr. [REDACTED] addressed the Riverside, California, Public Defender's Office Investigator's Training meeting and the Defense Investigator's Association in San Diego, California, on use of force issues.

In 2007, Mr. [REDACTED] lectured to the American Jail Association's annual meeting in Tennessee about the proper handling of jail riots and less than lethal weapons.

In 2006, Mr. [REDACTED] lectured to the American Jail Association's annual meeting in Utah about the proper handling of jail riots and less than lethal weapons.

Novel / Technical Advisor

In June 2012, Mr. [REDACTED] provided technical advice for novel author Matthew Quirk during manuscript development for a novel involving prisons.

Motion Picture / Technical Advisor

In November 2011, Mr. [REDACTED] provided technical advice during the script development for the movie, [REDACTED] by [REDACTED] Reflektiv Film Company, Los Angeles, CA.

Television appearances other than news broadcasts

In September 2013, Mr. [REDACTED] appeared on the Australian television show, Destination America to discuss prison tattoos.

In August 2010, Mr. [REDACTED] appeared on Tru-TV's World's Worst Prisons.

In July 2010, Mr. [REDACTED] appeared on several episodes of the television show, 1000 Ways to Die. He discussed various laws and illegal narcotics.

In January 2011, Mr. [REDACTED] appeared on the new TV show, "Car Science" for the Speed channel. Mr. [REDACTED] explained about vehicle stops, vehicle accidents, and other highway safety issues.

In May 2009, Dr. [REDACTED] staff [REDACTED] () consulted with Mr. [REDACTED] for the pilot television show. The subject of the show, produced by a non-profit organization, is to teach people how to survive in jail and in prison.

Author

Excessive force – A working definition.

Article explaining unnecessary force and excessive force.

<http://www.policeandjailprocedures.com>

Prison Overcrowding – Danger to Officers

Article about the dangers of prison overcrowding published at <http://www.tasanet.com>.

Jail and Prison Riots - Causes

Article about the causal factors of jail and prison riots, published at <http://www.HGExperts.com>.

10 – 33 Steroids

Article detailed the illicit use and distribution of steroids among police officers.

Article was featured in the California Narcotics Officer Association's publication and picked up nationwide in other narcotics association newsletters.

Jail Suicides, Attempted and Completed: Avoiding Allegations of Deliberate Indifference

Article geared towards jail managers and medical managers about avoiding litigation in jail suicides.

Media Interviews

In March 2014, Mr. [REDACTED] was interviewed by the Belleville News Democrat newspaper in Belleville, IL, about jail deputies calling in sick and causing an overtime issue.

In February 2014, Mr. [REDACTED] was interviewed by the Orlando Sentinel newspaper about media interviews of prisoners and the "perp walk."

In October 2013, Mr. [REDACTED] was interviewed by the Santa Rosa Press Democrat newspaper re: the shooting death of a 13-year-old boy by police.

In October 2013, Mr. [REDACTED] was interviewed by CNN about an officer involved shooting in Dallas, Texas.

In August 2013, Mr. [REDACTED] was interviewed by the Plains Dealer newspaper in Cleveland, Ohio, about the use of cell phones in prisons and jails.

In August 2013, Mr. [REDACTED] was interviewed by HLNTV.COM about a jail and prison tattooing.

In July 2013, Mr. [REDACTED] was interviewed by TIME.COM about a suspect who was left unattended for days while in the federal custody.

In June 2013, Mr. [REDACTED] was interviewed by the Charlotte Observer newspaper in South Carolina about an undercover police operation involving a police shooting.

In June 2013, Mr. [REDACTED] was interviewed by NBC – Bay Area News, about procedures following officer involved shootings.

In May 2013, Mr. [REDACTED] was interviewed by KTLA news about the police shooting of a man with a sword.

In May 2013, Mr. [REDACTED] was interviewed by the Press Democrat newspaper in Sonoma County re: police exigent circumstances entry and the use of the Taser.

In April 2013, Mr. [REDACTED] was interviewed by the Palm Beach Post newspaper in Florida re: the use of the Taser.

In March 2013, Mr. [REDACTED] was interviewed by radio station IQ106.p in Philadelphia about a female who stole two police cars during two traffic stops.

In February 2013, Mr. [REDACTED] was interviewed by the Associated Press (AP) about the manhunt for ex-LAPD Officer [REDACTED]

In November 2012, Mr. [REDACTED] was interviewed by the Belville News Democrat newspaper in St. Louis Missouri about prison/guard ratios.

In November 2012, Mr. [REDACTED] was interviewed by CNN about police tactics and the use of the Taser.

In September 2012, Mr. [REDACTED] was interviewed by the Ocala Star Banner newspaper in Florida about the police use of the Taser.

In September 2012, Mr. [REDACTED] was interviewed by The Press Democrat in Santa Rosa, CA., about proper procedure during a police prostitution sting.

In September 2012, Mr. [REDACTED] was interviewed by the San Diego Union Tribune (UTsandiego.com) about the process of issuing and circumventing the processing of traffic citations.

In August 2012, Mr. [REDACTED] was interviewed by The Hamilton Spectator newspaper in Hamilton, Canada about a jail safety issue dealing with guards wearing stab vests.

In July 2012, Mr. [REDACTED] appeared on Fox11 News, Special Edition, to discuss the issues of sworn police officers working as off duty security guards.

In June 2012, Mr. [REDACTED] was interviewed by the Harold Tribune newspaper in Sarasota, FL, about an officer who shot into a moving vehicle.

In March 2012, Mr. [REDACTED] was interviewed by the Times Standard newspaper in Eureka, CA, about the use of baton and the use of the Taser.

In March 2012, Mr. [REDACTED] was interviewed by the Redding, CA, Record Searchlight newspaper about how police agencies investigate one of their own in criminal investigations.

In February 2012, Mr. [REDACTED] was interviewed by Patch.com news sites about the use of road blocks.

In February 2012, Mr. [REDACTED] was interviewed by the Chicago Tribune newspaper about proper intake searching procedures in jails.

In February 2012, Mr. [REDACTED] was interviewed by the Arizona Republic Newspaper about the shooting of a dog by a police officer.

In January 2012, Mr. [REDACTED] was interviewed by the Chicago Tribune newspaper about use of force cases.

In January 2012, Mr. [REDACTED] was interviewed by [REDACTED] of the Travis County District Attorney's Office in Austin, Texas about use of force issues concerning shooting at a fleeing vehicle.

In January 2012, Mr. [REDACTED] was interviewed by the magazine, National Guard Today, about the use of the Guard taking over the Wisconsin State Prisons should the prison guards go on strike.

In December 2011, Mr. [REDACTED] was interviewed by "OK" magazine about what prison life may be like for a high profile person going to prison for the first time.

In December 2011, Mr. [REDACTED] was interviewed by the Austin American Statesman newspaper about the use of deadly force.

In December 2011, Mr. [REDACTED] was interviewed by the Santa Barbara Independent newspaper about an excessive use of force case during a traffic stop.

In November 2011, Mr. [REDACTED] was interviewed by the Palm Beach Post about an excessive use of force case during a traffic stop.

In November 2011, Mr. [REDACTED] was interviewed on CBS Evening News about the force used at U.C. Davis by officers during a protest.

In November 2011, Mr. [REDACTED] was interviewed by the Saint Louis Post Dispatch newspaper about jail over crowding.

In September 2011, Mr. [REDACTED] was interviewed by National Public Radio, KPCC, about officer involved shootings.

In August 2011, Mr. [REDACTED] was interviewed by the New York newspaper, Metro News, about a former New York policeman being sent to jail for misconduct.

In August 2011, Mr. [REDACTED] appeared on Fox11 News, Special Edition, to discuss police use of force.

In July, 2011, Mr. [REDACTED] was interviewed by the Las Vegas Review-Journal about the proper classification of child pornographers inmates in jail.

In June, 2011, Mr. [REDACTED] was interviewed by the Pittsburgh City Paper about disciplinary issues concerning staff members abusing inmates.

In June 2011, Mr. [REDACTED] was interviewed by the Modesto Bee newspaper about the use of attorney auditors auditing police departments' use of force complaints.

In May 2011, Mr. [REDACTED] was interviewed by the Arizona Republic newspaper about home detention of low grade offenders.

In May 2011, Mr. [REDACTED] appeared on the Today Show (NBC) to discuss a use of force incident that occurred in Phoenix, Arizona. Mr. [REDACTED] discussed that case as well as other use of force issues.

In April 2011, Mr. [REDACTED] was interviewed by the L.A. Weekly about use of force in jails and the culture of peace officers who work in the jails.

In March 2011, Mr. [REDACTED] was interviewed by the San Gabriel Valley Tribune newspaper about a recent officer involved shooting in Montebello, CA.

In February 2011, Mr. [REDACTED] was interviewed by OK Magazine (British publication) about grand theft law in relation to the [REDACTED] theft of jewelry allegation.

In January 2011, Mr. [REDACTED] was interviewed by KFI radio about a recent school officer involved shooting and the importance of wearing bulletproof vests.

In November 2010, Mr. [REDACTED] was interviewed by the Modesto Bee newspaper about recent allegations of police brutality.

In October 2010, Mr. [REDACTED] was interviewed by the Modesto Bee newspaper about a recent shooting by an off-duty police officer.

In September 2010, Mr. [REDACTED] was interviewed by the Modesto Bee newspaper about a recent officer involved shooting in Modesto, California.

In August 2010, Mr. [REDACTED] was interviewed by the Tennessee Clarion Ledger newspaper about the dangers of one-man police chases.

In July 2010, Mr. [REDACTED] appeared on a Canadian news television show to discuss a recent jail riot in Canada.

In June 2010, Mr. [REDACTED] was interviewed by CBS Channel 2 about a recent LAPD standoff with a murder suspect who jumped off a cliff.

In June 2010, Mr. [REDACTED] was interviewed by KFI radio about a recent confrontation between the LAPD and a photographer.

In April 2010, Mr. [REDACTED] was interviewed by KFI radio about a recent jail escape.

In April 2010, Mr. [REDACTED] was interviewed by KFI radio about the causal factors of prison/jail riots.

In April 2010, the Sacramento Bee newspaper interviewed Mr. [REDACTED] about a police shooting of a mentally ill woman who stole an ambulance.

In March 2010, CBS/KCAL news interviewed Mr. [REDACTED] about a recent LAPD officer involved shooting and about police use of deadly force in general.

In January 2010, the San Diego Business Journal consulted with Mr. [REDACTED] about the use of the new Long Range Acoustic Device, "LRAD," (powerful speakers) in law enforcement.

Listed with CNN as an expert in jail riots and other prison issues. In December 2009, CNN-HLN (CNN Headline News) interviewed Mr. [REDACTED] about a prison escape in Texas.

In April 2009, the Washington Post consulted with Mr. [REDACTED] in an effort to conduct their investigative report with regard to security concerns at the Prince George's County Correctional Center.

In November 2008, KTLA Channel 5 interviewed Mr. [REDACTED] regarding his expertise in narcotics sting operations.

In September 2009, Mr. [REDACTED] was interviewed about jail and prison issues by a New Zealand radio station and by KTRS radio in the Midwest.

Professional Work Experience

Consultant

Police & Jail Procedures, consultation services to law firms, public agencies and media
Santa Clarita, California – May 2008 to present

Lieutenant

Los Angeles County Sheriff, North County Correctional Facility (Watch Commander)
Castaic, California – November 2001 to February 2008

Los Angeles County Sheriff, Lancaster Station (Watch Commander)
Lancaster, California – August 1997 to November 2001

Los Angeles County Sheriff, North Facility (Watch Commander)
Castaic, California – March 1996 to July 1997

Sergeant

Santa Clarita Valley Sheriff Station
Santa Clarita, California – March 1992 to March 1996

North County Correctional Facility
Santa Clarita, California – July 1989 to March 1992

Narcotics Investigator

Los Angeles County Sheriff Detective Division
Los Angeles, California – November 1986 to June 1989

Detective

Santa Clarita Valley Sheriff Station
Santa Clarita, California – January 1986 to November 1986

Patrol Deputy Training Officer

- Los Angeles County Sheriff Academy
- Los Angeles Men's Central Jail
- Carson Sheriff Station
- West Hollywood Station
- Santa Clarita Valley Sheriff Station

Los Angeles County, California – February 1978 to December 1985

California Post-Commission Certificates

Peace Officer

- Basic Certificate
- Basic – Specialized Certificate
- Intermediate and Advanced Certificates
- Specialized Training Certificates

Sergeant

- Supervisory Peace Officer Certificate

Lieutenant

- Middle Management Certificate

Selected Awards / Certificates of Appreciation

Outstanding Service to the Community, 1993 and 1994

The City of Santa Clarita recognized Mr. [REDACTED] for his courageous and outstanding performance during a shootout with a sniper in a residential area (1993) and for his overall response and service to various emergencies throughout Santa Clarita during the 1994 Northridge earthquake.

Meritorious Service Award, 1994

Sheriff Sherman Block recognized Mr. [REDACTED] for his dedicated service in teaching emergency preparedness procedures and protocols.

Sheriff's Commendation

Mr. [REDACTED] was recognized for his actions and efforts, which helped to quell a massive inmate riot involving 2,000+ inmates at the North County Correctional Facility in Castaic, California.

Sheriff's and Fire Department Commendation

Both departments recognized Mr. [REDACTED] for his overall service as head of command post operations during the massive 2007 Los Angeles wildfires.

Riverside County Office of the Public Defender

Mr. [REDACTED] received a certificate of appreciation for his lecture on police use of force cases given to their members at their quarterly training meeting in October 2009.

California Association of Defense Investigators

Mr. [REDACTED] received a certificate of appreciation for his lecture on police use of force cases given to their members at their annual training meeting in November 2009.

National Association of Legal Investigators

Mr. [REDACTED] received a certificate of appreciation for his lecture on use of force given during the group's annual meeting in Las Vegas.

California Association of Licensed Investigators

Mr. [REDACTED] received a certificate of appreciation his lecture on use of force given during the groups monthly meeting.

Note: He has received more than 100 additional formal and/or written commendations in recognition of his law enforcement and emergency/rescue service to the community.

Law Enforcement Professional Affiliations

Professional Peace Officer's Association (PPOA)

Association of Los Angeles County Deputy Sheriff's (ALADS)

International Police Association (IPA)

Peace Officers Research Association

Americans for Effective Law Enforcement (AELE)
Institute for the Prevention of In Custody Deaths (IPICD)

Education

Certified Litigation Specialist (CLSA)
Americans for Effective Law Enforcement (AELE) - 2013

Associates in Administration of Justice
College of the Canyons, Santa Clarita, California – 2004

Los Angeles County Paramedic
Los Angeles County, California – 1978

Training received while on the sheriff's department

(Some training, such as various firearms training, was assigned many times over 30 years. This list is in no particular order. A complete list is available upon request. Other training such as cultural sensitivity, CPR, and administrative topics, etc., is not listed here.)		
academy – basic	earthquake preparedness	clandestine labs
combat firearms – taken many times over 30 years.	American Jail conference - lecture on jail riots (Utah)	American Jail conference - lecture on jail riots (Tennessee)
handgun assault	firearms, advanced combat	target ID – shoot/don't shoot
sergeant supervisor school	career integrity workshop	sergeant field training
missing persons	laser firearms	middle management school
field operations - sergeant	arwen training – less than lethal	MDT field operations
command school	AR-15 rifle	sudden infant death syndrome
disabled/mentally ill	haz-mat scene management	legal update
emergency operations center	emergency resources	handgun fundamentals
baton	earthquake CSTI	Benneli shotgun
emergency preparedness	fraud cell phone	use of force
crisis negotiation	sex harassment	emergency procedures
how to debrief	Ethics (UOF + false rpt)	Tactics - field
cultural awareness	jail security	special weapons/tactics/Taser
holster transition 2	cultural diversity	jail management
COPS supervisor 1	COPS supervisor 2	platoon commander
officer update	off duty firearms 1	off duty firearms 2
terrorism CSTI	field operations - lieutenant	WMD operations
deputy leadership class	respect based leadership	area command team 1

incident command system	personnel performance index	sex harassment for supervisors
off duty issues	deputy leadership class	gang overview
NIMS emergency training	pursuit policy	firearms issues
hostage issues	risk management issues	firearms continuing education
Jail intelligence	special weapons #1 -less than lethal	Beretta training – taken many times over 30 years.
command workshop	combat trap	suicide intervention
escape review	fire life safety	hostage issues
special weapons #2 -less than lethal	handgun/shotgun assault – taken many times over 30 years.	POST time management trainer class
escape review - continued	pepper spray	sting ball-less than lethal
stinger 12-less than lethal	combat trap	handgun/shotgun assault
modified PPC	firearms special shoot	AR-15 additional training
respect based leadership/Lt.	Tactical Science Course	handgun/shotgun assault
executive protection basics	firearms	threat assessment - night
combat shotgun	firearms shoot	transitional command
night shoot	critical incident command	use of force issues - continued
incident prevention	flashlight techniques	SWAT issues
off duty weapons	laser sighting	Sexual Assault Inv. school
40 hour jail operations	jail fire safety	fire/smoke situations
POST sergeants supervisory	racial profiling	risk assessment
case analysis #1 & #2	Taser cert for Sgt & Lt	emergency mobilization
emergency operations center	command school 2 nd week	command post operations
national incident command #100	national incident command #200	national incident command #300
national incident command #400	national incident command #700	national incident command #800
POST middle management	POST jail manager 40 hr course	command issues
executive command school #1	executive command school #2	respiratory protection
incident management system	POST ethics trainer class (UOF + false reporting)	hostage takeover
squad tactics	deputy leadership school	Use of force police - continued
disaster preparedness	emergency operations center	Advanced firearms for detectives by LAPD John Pride

Other Specialty Officer Safety Training (1979 and 1981)

Mr. [REDACTED] twice attended the week-long Specialized Officer Safety Training Program at the California Specialized Training Institute at San Luis Obispo, California, in officer safety tactics. 40 hours. Courses included:

Patrol tactics and officer responses	Officer safety: mindset and fitness
Arrest and control skills	Building entry and search tactics
Weapon retention	Tactical response scenarios
Marking cartridge scenarios	Legal issues about use of force
Tactical/combat shooting	Ethical conduct when using force
Explosives awareness	Ambush awareness

Continuing Education since starting Police and Jail Procedures, Inc.

In 2011, Mr. [REDACTED] attended the LAPD seminar for security professionals on suicide bomber prevention. 5-hours.

In 2011, Mr. [REDACTED] participated in TASA's webinar on Civil Procedures. 1.0 hour

In 2010, Mr. [REDACTED] participated in TASA's webinar on the importance of understanding the Daubert decision. 1.0 hour

In 2010, Mr. [REDACTED] participated in TASA's webinar on Rule 26 Report Writing. 1.0 hour

In 2010, Mr. [REDACTED] participated in TASA's webinar on Tips for Your Deposition. 1.0 hour

In 2009, Mr. [REDACTED] participated in TASA's webinar on The Ten Mistakes Expert Witnesses Often Make. 1.0 hour

Institute for the Prevention of In-Custody Deaths, Inc. (IPICD), Legal, Medical, and Scientific Constraints on Human Restraints Symposiums held in Las Vegas, April 23, 2014, through April 25, 2014.	
Restraint Liability Concerns	Restraint Liability Concerns
Proving Injury & Recovering of Police Negligent Handcuff Injuries	Cruz v. Laramie, and Current Restraint Issues
Reasonable Use of Restraints in Corrections	Scientific Research, Sample Size, and Significance: A Primer
The History and Science of Positional/Restraint Asphyxiation	Handcuffs, Chains, and Chairs
More on the Physiology of Restraint—A Review of the Latest Research	TARP Instruction (cord cuffing)
Electronic Restraints: Do They Shock the Conscience? (TASER and others)	IPICD Training Center
The WRAP RESTRAINT SYSTEM: A Descriptive, Field-Setting Study	Panel discussion.

AELE (Americans for Effective Law Enforcement) Discipline and Internal Investigations Conference held in Las Vegas, December 16, 2013 through December 18, 2013. Training required for Certified Litigation Specialist (CLS)	
Nature of discipline litigation	Why discipline is a difficult area
Types of systems	The virtual, electronic, investigation
Substantive and procedural Due Process	First Amendment related conduct
Speech issues	Public interest and private interest speech
Criticism of superiors	Chain of command rules
Protected and unprotected speech	Sexual activity
Prior restraint	Exempt employees
Damage suits	Conduct unbecoming rules
Off duty and On duty	Drafting issues
Vagueness and consistency	Disciplinary investigations
The complaint process	Investigation procedures
Locker, car, and desk searches	Email and computer searches
Video taping	Representation
Witness statements and interviews	Disclosures
Procedural bill of rights	Record keeping
Investigation review	Types of complaints
Discipline procedures	Due process
Types of hearings	Types of evidence
Case preparation	Discipline interrogations of employees
Advice of rights	Representation issues
Interview considerations	Relationship to criminal investigations
Incompetence	Inefficiency
Secondary employment	On – Off duty application
Residency	Absence – lateness
Financial disclosure	Fitness for duty
Job performance	Criminal conduct
Rules, policies, procedures	Supervisor orders
Truthfulness and reports	The elements of just cause
Penalty considerations	Types of penalty systems
Court review standards	Substantive evidence test
Classes of exempt employees	Evidence issues
Types of proceedings	Untruthful employee
Brady discovery issues	Transfer as punishment
Orders and directives	Employee evaluations
Poor performance and inefficiency	Financial disclosures
"Whistleblower" issues	Retaliation problems
Rules of conduct	On and Off duty conduct
Court standards	Drafting
"Savings" clauses	Substance abuse
Auditing and managing the discipline and internal affairs function	Investigation compliance
Quality assurance	Early warning systems
Exit interviews and complaint disposition	Relationship to civil liability
Post incident analysis and review	Assessing training needs
Management and analysis of lawsuits	Access to chain of command
Policy and procedure analysis	The review process
Risk-based discipline auditing fundamentals	The auditor's role
Risk activities	Controlling risk

Inherent risk	Detection risk
Residual risk	Audit risk

AELE (Americans for Effective Law Enforcement) Management, Oversight, and Monitoring of Use of Force, including ECW (TASER) Operations and Post-Incident Forensics in Las Vegas, April 2 - 4, 2013	
Force Policy Liability	What is policy liability?
Federal constitutional standards	Unwritten procedures and customs
Official capacity claims	Governmental claims
Individual claims	Role of prior incidents
Discovery issues	State court liability standards
Policies as a measure of liability	deliberate indifference standard
Prior knowledge	Monitoring and Revising Use of Force Policies
The good faith defense	Importance of periodic review
In-service and roll call training	Weapon qualification
State POST standards	National standards and recommendations
Legal review and approval	Web-based research and information
Constitutional-Based Use of force Training	Use of force training methodologies
Transitioning to amendment based training	Use of force expert witnesses
Role of experts in use of force cases	Qualifications and exclusions
Admissibility of expert opinions	Expert exception to the hearsay rule
Expert reports	Expert use of standards
The re-enactment controversy	Force review boards
Federal pattern and practice litigation	Authority of DOJ
DOJ investigation process	Consent decrees and agreements
Use of consultants	Compliance procedures
Auditing	Negotiation process
TASER and/or ECW topics (see below)	TASER and/or ECW topics (see below)
-Consent decree requirements	-Darts – advantages and disadvantages
-Drive stun - advantages and disadvantages	-Manufacture warnings and recommendations
-Vulnerable populations	-Multiple applications; location issues
-Weapon confusion	-Intermediate use of force classifications
-Use on persons in custody use polices and directives	-Use on controlled persons polices and directives
-Post-Incident TASER and/or ECW Forensic Analysis (see below)	-Post-incident TASER and/or ECW -Forensic Analysis (see below)
-Need of all available reports	-Exchange of devices
-Chain of custody and documentation	-Downloads, analysis, and testing
-Verifying accuracy of data	-Discharge history of device
-Device specifications and verification	-Other – medical, information, etc.
- TASER Repair, maintenance, or recertification history	- TASER Evidence collection, analysis, and storage
- TASER Scene analysis and measurements	-Importance of the ECW (TASER) report
- TASER Training records and manufacture warnings	Current Issues and New Developments
The continuum controversy	Duty to intervene
Threat assessment as a factor in use of force	Duty to retreat
Chemical agents	Physical restraints and techniques

Bean bag rounds, batons, and other devices	Pointing weapons
Crowd control and hostages	Contain vs. Confront
Officer-created use of force	

Supplemental Taser training April 3, 2013, on the X26 trigger pull times analysis by [REDACTED] [REDACTED] VP of training at Taser International and by [REDACTED] Senior Master Taser Instructor. 1.0 hour

Institute for the Prevention of In-Custody Deaths, Inc. (IPICD), Arrest-Related, Excited Delirium, Sudden In-Custody Death, Jail Suicide Conference held in Las Vegas, November 14, 2011, through November 16, 2011. Training required for Certified Litigation Specialist (CLS)	
TASER - ECD and other minimal force options; medical perspective and update.	Law enforcement and EMS: field management of excited delirium patients using ketamine.
TASER -Electronic Control Devices: Operational Management and Policy Development.	Arrest Physiology & Arrest-Related Death.
Excited Delirium Syndrome: History, Etiology, Mechanism of Death and Prevention.	Defending Against Agitated Chaotic Events™ in Your Jails: It isn't just a Street Phenomena.
Use-of-Force Policies & Reporting: Decreasing In-Custody Deaths.	Custodial Suicide Prevention; Preventing Suicide by Cop
Cocaine, Excited Delirium & TASER ® (Brain & Myocardial Remodeling)	Brain Behavior and Excited Delirium: Considerations for Risk Management
TASER /Excited Delirium Deaths	Restraint Asphyxia: How Much Science? How much Non-sense?
The WRAP Restraint: A Retrospective Study	Investigating In-Custody Deaths
Forensic Evidence: The Changing Role of the Courts	Critical Incident Review Team: OD + CIRT + QA + Training + RM = Event Analysis
Do (TASER) Electronic Control Devices Kill Humans? Review of the Data	The Resurgence of the Carotid Control: Managing the Risks and Getting it Right
Selected Results of the 2008 IPICD Conference In-Custody Death-Issues Survey	Ask the experts/open discussion

AELE (Americans for Effective Law Enforcement) Lethal and Less Lethal Use of Force Conference held in Las Vegas, October 11, 2010, through October 13, 2010. Training required for Certified Litigation Specialist (CLS)	
Federal use of force standards	Foreseeable consequences of excessive force
Legal aspects of medical care	Liability: Physical, electronic, restraint, and chemical applications
Case law analysis: Reasonable officer vs. Reasonable man and deliberate indifference and deadly force decisions	Psychology aspects of use of force, Psychology of combat and the dynamics of violent encounters & liability issues
Research from hundreds of officer involved shootings	Critical thinking and memory distortions
Conducting investigations after lethal encounters	Resolving contradictions in officer and witness statements
FBI wound ballistic studies	Psychology of fear on deadly force decisions
Biomechanical explanations:	Research explaining shots in the back during

Dynamics of body movement, perception and vehicle movement changing shot placement during deadly vehicle encounters	critical incident confrontations
TASER policy recommendations	TASER deployments
TASER in the force continuum	TASER carry, drawing, and warnings
TASER youthful confrontations	TASER medical issues
TASER and media exposure	TASER realistic alternatives
TASER training requirements and needs	TASER independent review
Sudden and in-custody deaths	At-risk behaviors
Individual behaviors vs. officer intervention tactics	Revelations of medical research
Defenses to the legal onslaught re in-custody deaths	Media concerns re: in-custody deaths
Retooling policy and training re in-custody deaths	Civil complaints re: in-custody deaths
Behaviors & less lethal force options: Mentally ill persons	Suicidal persons "Suicide by cop"
Behaviors & less lethal force options: Alcohol and drug influenced persons	Case studies
Use of force continuum: Emerging models	Training vs. policy initiative
Use and conflicts during courtroom testimony	Device, tool, tactics, and recommendations for placement on the continuum
Deadly and less lethal devices: Neck restraints	Nets, electronic restrains
Delivery systems for lethal, less lethal and non-lethal	Chemical restraints
Lawsuit avoidance of law suit generator	Technology, training, and field effectiveness
Use of force investigations:	Psychological factors in use of force cases
The review process & types of investigations	
Investigative strategies	Investigative procedures & officers' rights

Executive Protection Training Seminar 10 hours (2009)

Threat analysis	Surveillance detection
Counter surveillance detection	Security advances
Protective detail operations	Etiquette and protocol
Protective formations	Deadly force / legal issues

Close Quarters Pistol Class at Gunsite Academy, Arizona 40 hours (October 2012)

Gun carry positions	Malfunctions
Speed loads	Use of cover
Physical contact drills	Red gun
Body mechanics	Fighting stance (recognizing threats)
Speed shield	Cold head shots
Force delivery concepts	Weapon retention techniques
Shooting from retention	Weapon take away techniques
Accessing/drawing weapon concepts	Hand to hand combat
Force on force (civilian v. civilian)	Shooting drills with movement
Reaction time (.75sec + .75 sec.)	Close up shooting
Indoor simulator	Shoot house with close targets
Ability, Opportunity, and Jeopardy.	

The following table shows the results of the study...

Group	Number	Mean Age	Standard Deviation	Range
Group 1	100	25.5	2.5	20-35
Group 2	100	26.0	2.8	21-36
Group 3	100	26.5	3.0	22-37

The results of the study are as follows:

- Group 1: 100 subjects, mean age 25.5, standard deviation 2.5, range 20-35.
- Group 2: 100 subjects, mean age 26.0, standard deviation 2.8, range 21-36.
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MARIN COUNTY SHERIFF'S
OFFICE
Firearms Training Program

Memorandum

Deputy Kubota range qualifications 2011-2013

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Event History for: #L13097802 Xref: #L13097803 #F13016259
Case Numbers: \$S013003769
Agency Numbers: *FP13000031 *HP13000486 *MV13006619 *NP13010589 *SA13000092
*S013015769 *SP13004933 *SR13000157 *TC13000036 *TP13004293 *US13000359

Entered 07/07/13 17:50:15 BY DS7
Dispatched 07/07/13 17:50:15 BY DS7
Enroute 07/07/13 17:50:15
Scene 07/07/13 17:50:15

Initial Type: 1057 Final Type: 1057 (SHOTS FIRED)
Initial Priority: 1 Final Priority: 1
Disposition: Source: R Primary Unit: 1212
Law BLK: 1115 Fire BLK: MRN3A Govt BLK: CCY
Group: SO Beat: 11 TB Map Page: 626H1 Fire Map Page: 5158 /49
Loc: 151 DONAHUE ST ,MSS -- GATEWAY MALL ,MSS btwn TERNERS DR & DRAKE AV (V)
Name: Addr: Phone:

/1750 (\$OUTSRV ,NO MORE INFORMATION
/1750 \$INCNO 1212 *S013015769
/1750 DISPOS 1212 #S01679 KUBOTA, EVAN
/1750 ASSTER 1Q21 [MARIN CITY]
/1750 (SUPP ,STILL IN MARIN CITY
/1750 (SUPP TXT: FEMALE - SHOTS FIRED - PEOPLE
/1750 (SUPP SRC: R
/1750 (SUPP TXT: PER RP, VEH AT TERRACE/TERNERS ,
/1750 (\$INCNO 10Q51 *SP13004933
/1750 ASSTER 10Q51 [MARIN CITY]
/1750 \$ASSTER 10Q52 [MARIN CITY]
/1751 (\$INCNO MVPD *MV13006619
/1751 ASSTER MVPD [MARIN CITY]
/1751 \$ASSTER SPD [MARIN CITY]
/1751 (MISC 1212 ,SHACKA GRAYSON
/1751 (SUPP TXT: RP CALLING SHOTS FIRED FROM
/1751 (ASSTER 9Q62 [MARIN CITY]
/1751 (SUPP #MV6187
/1750? (SUPP LOC:
/1750? (SUPP NAM:
/1750? (SUPP PHO:

TX: RP HEARING 8 1057'S , NOTHING SEEN -- COULD
HEAR VOICES IN BACKGROUND, U NKN WHAT THEY SAID

SRC: 9

TX: RP ADVISED APPROX 10 SHOTS HEARD. SECOND RP

SRC: R

, DONAHUE AND DRAKE

[MARIN CITY]

SRC: R

[MARIN CITY]

[NEAR 9 TERNERS]

[9 TERNERS]

[9 TERNERS]

[9 TERNERS]

TX: [REDACTED] HER FRIEND HEARD MALES ARGUING - ,

SRC: R

[9 TERNERS]

*HP13000486

[9 TERNERS]

, BLOCK OUT CITY AND ID SUBJS

PERSON, 1Z13, GRAYSON, CHAKA, , M, , , , , X, ,

#L13097803

#L13097803

ADR: [REDACTED]

PHO: [REDACTED]

\$PREMPT 9Q62

\$ASSTER 9Z62

PREDSP 9Q62

MISC 1Z12

, PER 1X10 LOCK IT DOWN TIL OUTSIDE AGENCIES GET

ON SCENE

LOC: MARIN CITY --> 151 DONAHUE ST , MSS-- GATEW

AY MALL , MSS,

BLK: --> 1115

, MOBILE SESSION RESTART

, BLOCKING TERRACE AND TERNERS

, , DL/NO [REDACTED] *B/D:03-09-1969*NAME:GRAYSON CHA

KA ALI*MAIL ADDR AS OF 05-18-11: [REDACTED]

O*OTH/ADDR AS OF 04-06-09: [REDACTED]

*

, GOLD BUICK

, GOLD BUICK IN 100 LOT

, ,

[STAGED BRIDGE/BWAY]

/1753 REMINQ 1Z12 REG,1Z12,,,,,GRAYSON,CHAKA,,,,,
 /1754 REMINQ 1Z12 REG,1Z12,,,,,GRAYSON,CHAKA,A,,,,,
 /1754 MISC 1Z12 ,POSS SITTING AT 100 LOT, SHOULD HAVE ROUNDS INT
 O SIDE OF VEH
 /1754 SUPP TXT: ON PHONE WITH CHP, THEY WILL ASSIST IN KEEP
 ING PEOPLE OUT OF MSS. ,
 SRC: R
 /1754 NEWLOC 10Q52 [DONAHUE/TERNERS]
 /1754 MISC ,TTO/ PLS CALL - 1057 IN
 MARIN CITY- ALL DEP ARE SAFE/
 /1754 ENROUT
 /1754 ASSTER 1B1 [151 DONAHUE ST ,MSS]
 /1755 NEWLOC 9Z62 [DONAHUE/DRAKE]
 /1755 MISC ,PAGE AND HAVE HIM CALL
 /1755 ONSCNE 1Q21 [EXITING CITY]
 /1755 MISC 9Z62 ,BLUE 2 ***
 /1755 ASSTOS BLUE2 [9 TERNERS]
 /1755 NEWLOC 1Q21 [TERNERS AND DONAHUE]
 /1755 MISC BLUE2 ,C33 ON BLUE 2
 /1756 NEWLOC BLUE2 [151 DONAHUE ST ,MSS]
 /1756 ONSCNE BLUE2
 /1756 MISC 1Z12 ,VEH IN 100 LOT IS NOT CORRECT VEH
 /1756 REMINQ 1Z12 VEH,1Z12,,
 /1756 MISC 1Z12 ,MAYBE ONE IN 200 LOT, NEED ONE MORE OUTSIDE AGE
 NCY TO COVER
 /1757 \$INCNO 12Z72 *TP13004293
 /1757 ASSTER 12Z72 [DONAHUE/TERNERS]
 /1757 REMINQ 1Z12 VEH,1Z12,,
 /1757 MISC 1Z12 ,TAKING ROCKS NOW
 /1757 ASSTER 1Q37 [9 TERNERS]
 /1757 ASSTER 1Q22 [151 DONAHUE ST ,MSS]
 /1757 ASSTER 1Q33 [151 DONAHUE ST ,MSS]
 /1758 MISC 1Z12 ,TAKING ROCKS
 /1758 MISC ,ENTERING THE CITY
 /1758 REMINQ 1Z12 VEH,1Z12,,
 /1759 ASSTER 9Q61 [DONAHUE/DRAKE]
 /1759 ASSTER 9M61 [DONAHUE/DRAKE]
 /1759 \$INCNO SRPD *SR13000157
 /1759 ASSTER SRPD [151 DONAHUE ST ,MSS]
 /1759 MISC 1Z12 ,RAN INTO THAT VEH ATTEMPTING TO GET AWAY
 /1759 CHGLOC SRPD [3 OFFICERS]

/1759 \$INCNO CMPD *SA13000092
 /1759 ASSTER CMPD [1 UNIT]
 /1801 \$INCNO NPD *NP13010589
 /1801 ASSTER NPD [1 UNIT]
 /1801 ASSTER [REDACTED] [151 DONAHUE ST ,MSS]
 /1802 MISC ,PER 1A324 HAVE 9M61 STAGE ALONG LOWER DRAKE AND DONAHUE

 /1802 *ONSCNE 9Q61
 /1802 NEWLOC BLUE2 [STAGE LWR DRAKE/DONAHUE]
 /1803 MISC ,20U5 AND 20L7 ENROUTE
 /1803 MISC NPD ,ALL INCOMING UNITS HAS ACKNOWLEDGED STAGING LOW ER COLE/DRAKE

 /1803 MISC ,3 MORE UNITS TO SCENE FOR SCENE SECURITY
 /1805 ASSTER 13L13 # [REDACTED]
 /1805 ASSTER 3L30 [3 OFFICERS]
 /1805 \$ASSTER 3L31 [3 OFFICERS]
 /1805 \$ASSTER 3L35 [3 OFFICERS]
 /1805 CLEAR SRPD
 /1805 \$INCNO 20L18 *TC13000036
 /1805 ASSTER 20L18 [1 UNIT]
 /1806 SUPP TXT: PER CHP, AT SHIFT CHANGE, OIC WILL BE CALLI NG MCSO BACK TO ADVISE IF THEY CAN SPARE MORE UN ITS ,
 SRC: R

 /1806 CLEAR CMPD
 /1806 ONSCNE [REDACTED]
 /1806 CLEAR NPD
 /1806 ASST [REDACTED] [151 DONAHUE ST ,MSS]
 # [REDACTED]

 /1806 MISC ,SGT [REDACTED] HAVE INFO ON SUSPECT
 /1806 ONSCNE 1B1
 /1806 MISC ,BLOOD TRAIL OUT OF CAR IN 200 LOT
 /1807 CHGLOC [REDACTED] [200 LOT]
 /1807 MISC 1Q21 ,,
 /1807 MISC ,PER 1Q21 TO X10 , ON TERNERS AND WAS NOTIFIED B Y GGT, MALE SUBJ HIDING BEHIND OUTBACK SEEMS SUS PICIOUS

 /1807 NEWLOC 1B1 [RO OUTBACK]
 /1807 CHGLOC 1B1 [OUTBACK REAR]
 /1807 CHGLOC 1Q22 [OUT BACK REAR]
 /1808 ASSTER 20L7 [OUTBACK]
 /1808 CHGLOC 20L7 [OUTBACK REAR]
 /1808 ONSCNE 1B1
 /1808 MISC ,1Q22 TO REAR OF OUTBACK FROM BABYS R US
 /1808 ONSCNE 1Q22
 /1809 NEWLOC 20L18 [OUTBACK REAR]
 /1809 ASSTER CHP1 [BLOCKING OFF SB 101 A.O OUTBACK]
 /1809 ONSCNE 20L7
 /1809 MISC ,1Q37 2 MORE UNITS TO 200 LOT
 /1810 ASSTOS CHP2 [BLOCKING OFF SB 101 A.O OUTBACK]

/1810 ASSTOS CHP3 [BLOCKING OFF SB 101 A.O OUTBACK]
 /1810 CROSS #F13016259
 /1810 ASSTER 1Q11 [151 DONAHUE ST ,MSS]
 # [REDACTED]
 # [REDACTED]
 /1810 MISC ,3 MORE OFFICERS TO SCENE
 /1810 NEWLOC 1Q33 [200 LOT]
 /1810 SINCNO USPP *US13000359
 /1810 ASSTER USPP [9 TERNERS]
 /1811 MISC ,1B1 CLEARED DIRECTLY BEHIND OUTBACK CHEKING MA
 RSH AREA WITH 5 UNITS
 /1811 NEWLOC 1Q22 [RO BABYS ARE US]
 /1811 SUPP TXT: *** SRPD HAS 3 UNITS ENROUTE- CMPD HAS ONE
 MORE UNIT STILL ENROUTE *** ,
 SRC: R
 /1811 ASST 3437 [151 DONAHUE ST ,MSS]
 /1812 ONSCNE 9M61
 /1812 MISC ,PER 1X10 AT MSS WITH INVOLVED OFFICER
 /1812 NEWLOC 3437 [RO BABYS ARE US]
 /1812 ASSTER [REDACTED] [INTERIOR OUTBACK]
 /1812 SUPP TXT: ERIC/USPP - GOING TO SEND SOME UNITS WILL A
 DVICE AND CALL US BACK ,
 SRC: R
 /1812 NEWLOC 3L30 [INTERIOR OUTBACK]
 /1812 CHGLOC 3L30 [OUTBACK INTERIOR CH]
 /1812 ONSCNE 3L30
 /1812 NEWLOC 3L30 [200 LOT]
 /1813 ASSTER [REDACTED] [9 TERNERS]
 /1813 MISC ,1B1 ASKING WHAT THE 245 WAS, PER X10 WEAPON IS
 THE VEH
 /1814 MISC ,TRAIL OF BLOOD FROM VEH TOWARD DRAKE FROM 200 L
 OT
 /1814 MISC [REDACTED] ,****TRAIL FROM VEH TWDS DRAKE FROM 200 LOT
 /1814 CLEAR MVPD
 /1814 CLEAR SPD
 /1815 MISC ,1B1 SEARCHING THE INTERIOR OF OUTBACK WITH CUST
 OMERS
 /1815 ONSCNE [REDACTED]
 /1816 SUPP TXT: [REDACTED] FROM [REDACTED] HEARD
 1057'S AT APPROX 1750 HRS. HEARD 4 TO 5 SHOTS. L
 OOKED UP AND SAW A GRY/SILVER OR CREAM COLORED O
 LDSMOBILE UNK PLATE IN THE AREA, DRIVING TOW DON
 AHUE/BURGER KING. NO DESC ON DRIVER. ,
 SRC: R
 /1816 SUPP TXT: [REDACTED] - 8 TO 12 UNITS ARE ENROUTE ,
 SRC: R
 /1817 MISC ,PER [REDACTED] HAVE 3 SCENES , SCENE OF SHOOTING AND
 200 LOT, AND SHOPPING CENTER

/1818 SUPP TXT: **** PER [REDACTED] PLS CALL [REDACTED]
 [REDACTED] AT HOME NOW BUT WAS A WITN ESS TO EVERYTHING

 SRC: R
 /1818 NEWLOC 1B1 [CHECKING INTERIOR OUTBACK]
 /1818 MISC ,SWITCHING ALL UNITS AT 200 LOT TO BLU8
 /1819 MISC ,M 9262, HAVE SUSPECTS COUSIN DOWN HERE STATES S
 HE HEARD THAT HER COUSIN WAS SHOT ASKING FOR MOR
 E
 /1819 CLEAR CHP
 /1819 MISC ,USPP WILL BE SENDING 8-12 UNITS WILL HEAD TO CI
 TY
 /1820 ASSTER 3X7 [9 TERNERS]
 /1820 \$ASSTER 3L32 [9 TERNERS]
 /1820 \$ASSTER 3L19 [9 TERNERS]
 /1820 CHGLOC 3X7 [RESPONDING]
 /1820 CHGLOC 3L32 [RESPONDING]
 /1820 CHGLOC 3L19 [RESPONDING]
 /1820 MISC ,3X7 AND L32 AND L19 ENROUTE TO SCENE
 /1820 MISC ,PER 1B1 , CODE 4 AT OUTBACK
 /1821 CHGLOC 1B1 [9 TERNERS]
 /1821 MISC ,2 UNITS AT SCENE ON TERNERS AND OTHER TO REAR O
 F BURGER KING
 /1821 CHGLOC 1Q22 [9 TERNERS]
 /1822 MISC ,PER 1X10 , RAISE [REDACTED] HE WILL BE RELIEVED BY
 [REDACTED]
 /1822 CHGLOC 1Q37 [MSS BARRICADES]
 /1822 SUPP TXT: BMA SEEN RUNNING AWAY WHEN POLICE VEHS STAR
 TED SHOWING UP. DOT:BEHIND ST ANDREWS CHURCH TOW
 ARD RIDGEWAY APARTMENTS ,
 SRC: R
 /1823 SUPP TXT: BMA APPEARED 25-30, 509/HEAVY, ALL BLACK CL
 OTHING ,
 SRC: R
 /1823 CHGLOC 3437 [200 LOT]
 /1823 CROSS #L13097812
 /1824 CHGLOC 20L18 [200 LOT]
 /1824 CHGLOC [REDACTED] [200 LOT]
 /1825 NEWLOC [REDACTED] [300 LOT 415 [REDACTED]
 /1825 MISC [REDACTED] ,,CLO [300 LOT 415 [REDACTED]
 /1825 ONSCNE 13L13
 /1825 \$PREMPT [REDACTED]
 /1826 ASSTOS 20L19 [BURGER KING]
 /1826 \$PREMPT 10Q51
 /1826 OK 20L19 , ROLL CALL
 /1826 NEWLOC 20L18 [BURGER KING]
 /1826 OK 20L18 , ROLL CALL
 /1826 OK 1Q13 , ROLL CALL
 /1827 ASSTER TCPD [20U5 20U7 BURGER KING]
 /1827 \$PREMPT [REDACTED]

/1828	\$PREMPT	TCPD	
/1828	\$ASSTOS	20U5	
/1828	EXCH	TCPD	20U5
/1828	MISC		,RECEIVED CALL OF BM 25-30 BLK CLOTHING, RUNNING FROM CHURCH TO RIDGEWAY APTS 15 AGO
/1828	NEWLOC	1Q13	[IC 200 LOT]
/1828	NEWLOC	1Q22	[REAR BURGER]
/1828	MISC	1Q22	,,
/1828	MISC	1Q22	,PER 1Q11 415P ABATED N 200 LOT
/1829	NEWLOC	12Z72	[STAGING MGR]
/1829	NEWLOC	1Q22	[200 LOT]
/1829	\$INCNO	5X3	*FP13000031
/1829	ASSTER	5X3	[BURGER KING]
/1830	CHGLOC	20L7	[TURNER]
/1830	ONSCNE	3X7	[BURGER KING]
/1830	OK	20L7	
/1830	CLEAR	5X3	
/1830	NEWLOC	3L32	[BURGER KING]
/1830	NEWLOC	3L19	[BURGER KING]
/1830	NEWLOC		[MARIN CITY SUNB]
/1830	NEWLOC	20U5	[BURGER KING]
/1830	OK	20U5	
/1830	ASSTOS	SAR	
/1830	\$PREMPT	SAR	
/1830	NEWLOC	9Z62	[200 LOT/]
/1831	MISC		,SAR ACCIDENTALLY PUT ON CALL** DISREGARD
/1831	NEWLOC	20U5	[9 TERNERS]
/1831	ASSTOS	20U7	[9 TERNERS]
/1832	CHGLOC	3L35	[BURGER KING]
/1833	ASSTOS	10Q51	[ACF 200 LOT/STAY IN VEH]
/1833	\$ASSTOS	10X2	[ACF 200 LOT/STAY IN VEH]
/1833	\$ASSTOS		[ACF 200 LOT/STAY IN VEH]
/1833	\$ASSTOS	20L22	[ACF 200 LOT/STAY IN VEH]
/1833	ASSTOS		[9 TERNERS]
/1833	MISC		,STAGE X STREET FROM 200 LOT ON DONAHUE AND STAY IN CAR
/1833	NEWLOC	20L22	[BURGER KING]
/1833	NEWLOC	20L22	[BURGER KING]
/1835	ASSTER	1Z19	[151 DONAHUE ST ,MSS]
/1835	SUPP		TXT: *** CHP HAS SEVERAL PEOPLE ON FOOT TRYING TO LEAVE THE CITY *** , SRC: R
/1836	MISC		,PER [REDACTED] SUBJS CAN LEAVE IF AN OFFICER CAN CHECK FOR CHAKA AND SEE IF PEOPLE HAVE ANY INFO
/1836	NEWLOC	3437	[MSS OFF]

/1836 ASSTER 3L17 [BURGER KING]
 /1836 NEWLOC 1Z19 [W/ 3437 AT MSS OFF]
 /1837 MISC 1Z19 ,,
 /1837 SUPP [REDACTED] CALLING FROM THE 200-LOT REQ A S
 GT IN THE LOT ASAP, SAYS THAT OFFICERS ARE DRAWI
 NG THERE WEAPONS AT CHILDREN THAT ARE NOT INVOLV
 ED ,
 SRC: R
 ,7 MORE OFFICERS TO 200 LOT
 ,NEED 7 MORE OFFICERS, 200 LOT
 /1837 CHGLOC 20L22 [200 LOT]
 /1838 CHGLOC 20L19 [200 LOT]
 /1838 ASSTER 1Z31 [REDACTED]
 /1839 CHGLOC USPP [200 LOT W/4 RANGERS]
 /1839 SUPP TXT: ** 2 TCPD UNITS AND 4 USPP RESPONDING TO 20
 0 LOT FROM BURGER KING ** ,
 SRC: R
 /1840 ONSCNE 20L22
 /1840 ONSCNE 20L19
 /1840 MISC 1Q22 ,,
 /1840 NEWLOC 1Q22 [BURGER KING]
 /1841 CHGLOC 3L35 [200 LOT]
 /1841 MISC 1Q22 ,SOLO AT BURGER KING **
 /1841 MISC 1Q22 ,SOLO AT BURGER KING **
 /1842 ASSTER [REDACTED] # [REDACTED] , [REDACTED]
 /1842 MISC 1Q22 ,HAS VISUAL ON OFF RAMP
 /1842 ASSTER [REDACTED]
 /1844 SUPP TXT: ** SUSPECT DESC IS BMA CHAKA GRAYSON 3-9-69
 / 508/197 LS BLACK T SHIRT ** ,
 SRC: R
 /1845 ASSTER [REDACTED]
 /1845 MISC [REDACTED]
 /1845 NEWLOC 1Q37 ,GAVE DESC OF SUSP AGAIN
 /1845 ONSCNE 1Z13 [200 LOT]
 /1845 ONSCNE 1B1
 /1846 MISC 1B1 ,,
 /1846 ASSTER [REDACTED] [151 DONAHUE ST ,MSS]
 /1846 MISC [REDACTED]
 /1846 SUPP ,ENROUTE FROM THE FAIR
 TXT: ADVISING HOSPITALS IN CASE SUSP SHOWS UP FO
 R TREATMENT ,
 SRC: R
 /1847 NEWLOC 3L32 [151 DONAHUE ST ,MSS]
 /1847 NEWLOC 3L19 [151 DONAHUE ST ,MSS]
 /1847 NEWLOC 3L17 [151 DONAHUE ST ,MSS]
 /1847 NEWLOC 20L18 [151 DONAHUE ST ,MSS]
 /1848 SUPP TXT: MGH DOUG ADVISED ,
 SRC: R
 /1848 NEWLOC 1B1 [201 DRAKE]

/1848 MISC ,1B1 201 DRAKE MAKING ENTRY
 /1848 *ONSCNE 1Z31
 /1848 ASSTER 10Z51 [ACF 200 LOT/STAY IN VEH]
 [REDACTED]
 /1848 ASSTER 10Z52 [ACF 200 LOT/STAY IN VEH]
 [REDACTED]
 /1848 MISC ,KTL/BECKA ADVISED TO CONTACT MCSO IF SUBJ MATCH
 /1849 NEWLOC 1Z31 ING SUSP DESC COMES INTO ER
 /1849 NEWLOC 1Z19 [DONAHUE DRAKE]
 /1849 MISC 1B1 [DONAHUE DRAKE]
 /1849 NEWLOC 1B1 ,201 IS CLEAR
 /1850 SUPP [200 LOT]
 SRC: R
 /1850 NEWLOC 1B1 TXT: NCH ADVISED ,
 /1850 NEWLOC 1Q21 [203 DRAKE]
 [ST ANDREWS]
 , CHECKING BUSES
 /1850 NEWLOC 1B1 [CHECKING 203 DRAKE]
 /1850 MISC ,CAR TO CAR Q21 TO Z19, 6 TO 8 BUSES DO YOU WANT
 TO CHECK FOR SUSP, Z19 ENROUTE TO ST ANDREWS
 /1851 NEWLOC 3L17 [201 DRAKE]
 /1851 NEWLOC 3L35 [201 DRAKE]
 /1851 MISC 1B1 ,203 WAS LOCKED NO ANSWER
 /1851 NEWLOC 1B1 [CHECKING 205 DRAKE]
 /1852 MISC ,FROM [REDACTED] THERE IS A CANINE UNIT THAT CAN WORK
 OFF LEASH IN THE 200 LOT, INFO ONLY
 /1852 NEWLOC 1Z19 [ST ANDREWS]
 , CHECKING BUSES
 /1852 SUPP TXT: *FOR 200 LOT UNITS THERE IS A K9 CAN WORK O
 FF LEASH IN 200 LOT PER [REDACTED] ,
 SRC: R
 /1853 MISC [REDACTED] ,,, 201-250 DRAKE
 /1854 MISC [REDACTED] ,INFO AT THIS TIME SUSP MAY BE INSIDE 201-215 DR
 AKE AVE DOOR TO DOOR SEARCH INNER AND OUTER MATA
 IN POST THAT YOU ARE AT
 /1855 NEWLOC [REDACTED] [MSS]
 /1856 MISC 1Z31 ,ARE THERE ANY UNITS ON FREEWAY IN CASE SUSP TRY
 S TO GET AWAY. WE WILL CALL DISP AND CHECK.
 ,205 DRAKE CLEAR WILL BE EXITING
 /1857 MISC 1B1
 /1857 ASSTOS 20K5
 /1857 NEWLOC 20K5 [POSTED AT FREEWAY]
 /1858 NEWLOC 1B1 [CHECKING 207 DRAKE]
 /1859 NEWLOC 10Z51 [STAGING AREA]
 /1859 NEWLOC 10Z52 [STAGING AREA]
 /1859 *ONSCNE [REDACTED]
 /1901 MISC 1B1 ,207 CLEAR COMING OUT
 /1901 NEWLOC 1B1 [.]
 /1901 SUPP TXT: DOCTOR'S HOSP IN SAN PABLO [REDACTED] NOTIFIED
 TO CONTACT MCSO IF SUSP COMES IN ,
 SRC: R

/1901 MISC 20K5 ,OS SB 101 BEHIND 200 OR 300 LOT
 /1902 MISC
 /1902 SUPP ,,
 ,TXT: NO ANSWER AT SF GENERAL HOSPITAL ,
 SRC: R
 /1903 MISC 1Q37 ,HAVE UNITS THAT ARE AT DRAKE AND DOHANUE NOT LE
 T ANY OTHER CARS IN
 /1904 ASSTOS [151 DONAHUE ST ,MSS]
 /1904 SUPP ,
 ,TXT: KAISER VALLEJO ,ER SUPE-INFO PASSED ALON
 G AND HE WILL CALL US IF SUBJ SHOWS UP ,
 SRC: R
 /1905 CROSS #L13097825
 /1905 MISC ,PAGE PIO TO TAKE PRESS CALLS
 /1905 MISC ,... TTO/ / PLS CALL COMM CENTER- DEP INVOL
 VED SHOOTING IN MARIN CITY
 /1906 NEWLOC 3X7 [200 LOT]
 /1906 MISC ,PER METRO PCS, THE LAST CALL MADE WAS AT 1830 F
 ROM THE "200 SUNDIAL TOWER". IT WAS AN OUTGOING
 CALL FOR 29 SECONDS TO
 /1906 MISC 1B1 ,SOONER THE BETTER PEOPLE ARE STARTING TO GO BAC
 K IN
 /1907 SUPP ,TXT: UCSF HOSPITAL ADVISED ,
 SRC: R
 /1908 NEWLOC [MSS]
 /1909 NEWLOC 10Z51 [200-LOT]
 /1909 NEWLOC 10Z52 [200-LOT]
 /1909 NEWLOC [200-LOT]
 /1909 NEWLOC [200-LOT]
 /1909 NEWLOC 1B1 [211 DRAKE]
 /1909 NEWLOC 20K5 [CHECKING FREEWAY BUSHES]
 /1909 SUPP ,TXT: ** RP STATES THE SUSPECT WENT UP THE HILL T
 WDS MILL VALLEY PER OTHER REPO RTS *** HE WENT U
 P THE LARGE HILL THAT LEADS TO MILL VALLEY AT TH
 E CUTS ,
 SRC: R
 /1909 SUPP ,TXT: ST MARYS ADVISED ,
 SRC: R
 /1909 NEWLOC 1B1 [213 DRAKE]
 /1909 SUPP ,TXT: ** HE WENT THROUGH THE BACK OF THE HIGH RIS
 ES **** ,
 SRC: R
 /1910 SUPP ,TXT: PEOPLE ARE SAYING HE WENT THE HILL BEHIND T
 HE HIGH RISES AND POSS HAD A RIDE WAITING ,
 SRC: R
 /1911 SUPP ,TXT: *** RP IS ***** ,
 SRC: R
 /1911 SUPP ,TXT: *** HE LEFT 2 1/2 HRS AGO PER RP **** ,
 SRC: R
 /1911 SUPP ,TXT: RP STATES SHE DIDNT SEE ANYTHING BUT SHE HE
 ARD IT THROUGH NEIGHBORS ,

/1912	CHGLOC		SRC: R
/1912	ONSCNE		[200 LOT]
/1912	MISC	1B1	, 213 CLEAR
/1913	NEWLOC	1B1	[215 DRAKE]
/1913	SUPP		TXT: ** [REDACTED] HEARD FROM HIS CHILDS MOTHER THAT H E WENT UP THE HILL - THE MOM HIS CHILD STAYS IN THE HIGH RISES- SHE IS A BFA [REDACTED] WHO HAS AN A DULT SON W/ CHAKA *** ,
/1913	SUPP		SRC: R TXT: PVH [REDACTED] ADVISED ,
/1914	SUPP		SRC: R NAM: [REDACTED] PHO: [REDACTED] TXT: COLLEGE OF MARIN ADVISING: CHAKA GRAYSON IS A PRIOR STUDENT. CONTACT NUMBER FOR SUSP: [REDACTED] [REDACTED] , CP: [REDACTED] , SECOND CP: [REDACTED] . IN CASE WE WANTED TO PING ONE OF THE CP ,
/1914	NEWLOC		SRC: T [200 CT YARD]
/1916	SUPP		TXT: SR MEMORIAL [REDACTED] ADVISED ,
/1917	SUPP		SRC: R NAM: [REDACTED] PHO: [REDACTED] TXT: REPORTING GRY HONDA VAN W TINTED WINDOW NEV ER SEEN BEFORE IN THE AREA LOOKS LIKE IT WAS IN A RECENT ACCIDENT . RIGHT SIDE DAMAGE PARKED IN A NO PARKING ZONE. RP HAS NVER SEEN IT . VEH IS AT 416 SHERWOOD DR, MSS ,
/1919	MISC	20K5	SRC: T , CHECKED DOWN ALL THE WAY DOWN TO HOUSING COMPLE X, CANT GET INTO THE HIGH BRUSH AT THIS TIME 1A3 24 ADVISED
/1920	ASSTOS	1Q31	[4 SIDE OF 231-245 DRAKE] [REDACTED] , HAVE FRESH BLOOD
/1921	MISC		, NEED TO SEE IF NPD HAS A BLOOD TRACKING DOG AVA IL
/1921	SUPP		TXT: NPD HAS A K9 STARTING ON DUTY SOON- WILL GE T PERMISSION AND LET US KNOW ,
/1921	MISC	1Q31	SRC: R , HAVE GOOD BLOCK TRAIL 231 AND 268 TOWARD 257 DR AKE IN THE HILL
/1922	MISC		, IF HELI IS AVAIL AND DO TO CURSORY CHECK OF THE HILLSIDE
/1923	ASSTER	13K918	[REDACTED] , WILL BE ENROUTE FROM 1010 IN 10 MINUTES
/1923	NEWLOC	1B1	[257 DRAKE]
/1924	ASSTOS	1A2	, CHECKING STAIRWELL REQUEST RADIO SILENCE [MGH]

/1925 MISC 20K5 [REDACTED] ,CLEARED SHOULDER ALL THE WAY DOWN AND WORKING W
 AY BACK UP
 /1925 MISC [REDACTED] ,PER A2 ALL NPD DETECTIVES HAVE BEEN REQUESTED,
 PER X4 START CALLING ALL DETECTIVES AND HAVE THE
 M CALL X4
 /1926 NEWLOC [REDACTED] [810 TERNERS]
 , WITH 231
 /1926 MISC [REDACTED] ,PER [REDACTED] HOLD OFF ON M/AID W/DOG - WILL USE NP
 D FOR NOW
 /1926 MISC 1B1 ,CAN OPEN AIR UP WILL BE CHECKING ANOTHER
 /1926 NEWLOC CHP1 [LOG 2197]
 /1927 NEWLOC [REDACTED] [IN THE CITY]
 /1927 SUPP TXT: PER NPD 13K918 IS A TRACKING DOG ,
 SRC: R
 /1928 ASST H30 [9 TERNERS]
 /1928 SUPP TXT: ** CHP REQ FOR HELO- WCB IF AVAIL **** ,
 SRC: R
 /1931 NEWLOC [REDACTED] [TERRACE/TERNERS]
 /1931 MISC 13K918 ,ENROUTE FROM PETALUMA
 /1933 MISC [REDACTED] ,CONTACT SOMEONE FROM HOUSING AUTHORITY ABOUT TU
 RNING SPRINKLERS OFF AT CRIME SCENE
 /1933 MISC [REDACTED] (NRT) NOTIFIED AND ENRT
 /1933 SUPP TXT: ***CHP DISPATCH CALLING - STATES OFFICERS O
 N THE FREEWAY JUST HEARD A LOUD BANG BEHIND THE
 APT COMPLEX..... ,
 SRC: R
 /1934 SUPP TXT: CALLER FROM [REDACTED] STATES THE NEIGHBORS
 SAID HE RAN TWDS 300 LOT AT THE ONSET-NFI ,
 SRC: R
 /1934 MISC [REDACTED] ,THE LOUD BANG WITH 4 AGO AND A FIRECRAKER, 2ND
 ONE JUST WENT OFF
 /1934 MISC 1Q11 ,,
 /1934 MISC 1Q11 ,49 COLE LG BLAST CAME FROM IT PER 1Q11
 /1934 MISC 1Q11 ,HEARD ANOTHER LARGE BLAST FROM 49 COLE
 /1935 MISC 1Q11 ,,,49 COLE LG BLAST CAME FROM IT PER 1Q11
 /1935 MISC [REDACTED] ,MESSAGE LEFT FOR 13K32 (NRT) TO CALL DISPATCH
 /1935 NEWLOC 10X50 [ASSISTING CHP]
 , WITH TRAFFIC AND GETTING PPL OUT OF THE CITY
 /1935 SUPP TXT: CHP OFFICER [REDACTED] - NEEDS MORE INFO FR
 OM [REDACTED]
 SRC: R
 /1936 MISC [REDACTED] ,UNITS ON THE HILL STEP BACK TO WALKING PATH TIL
 DOG GETS THERE
 /1936 SUPP TXT: MULTIPLE CHP UNITS STATES THEY HEARD MORE P
 OSS 1057 OR LESS LETHAL BY APT COMPLEX [APT COMP
 LEX THAT IS APPROX 1/4 MILE FROM FWY IN MARIN CI
 TY BEIGH APT W/RED ROOF ,
 SRC: R
 /1936 SUPP TXT: ** POSS COLE APTS ***** ,

/1937 SUPP SRC: R
NAM: [REDACTED]
ADR: [REDACTED]
PHO: [REDACTED]
TXT: RP WANTS WATCH COMMANDER TO BE ADVISED HE'S
AVAILABLE IF NEEDED FOR ANY HELP WITH THE MCSO
INCIDENT ,
SRC: T
/1 MISC ,PER [REDACTED] 34 UNITS TO PERIMTER TO TOP OF HILL PE
RIMETER TO BASE OF 49 TOP OF 49 AND HOLD IT FOR
TRACKING DOG
/1938 MISC [REDACTED] ,20K5 AND 3 -34 UNITS
/1939 NEWLOC 20K5 [PERIMETER W/3 CHP UNITS]
/1939 SUPP TXT: PER CHP - 34 UNITS HEARD 1057'S EAST SIDE O
F APARTMENTS BTWN APT COMPLEX AND THE FREEWAY ,
SRC: R
/1939 MISC ,MESSAGE LEFT FRO 13K15 (NPD INVESTIGATIONS)
/1940 MISC ,SENT TO: SO [REDACTED] PAGE.MARINSHERIFF.ORG [REDACTED]
03, [REDACTED]
/1940 SUPP TXT: ***PER CHP DISPATCH THEIR UNITS HEARD IN A/
O COLE APARTMENTS *** ,
SRC: R
/1944 NEWLOC CHP1 [10 UNITS]
/1947 ASSTER 13K24 [NPD]
[REDACTED]
/1947 MISC ,STARBUCKS MANAGER CALLED IN ON NON EMERG LINE A
BOUT TRAFFIC BEING BLOCKED IN/OUT OF CITY - INQU
IRED IF SHE SHOULD SHUT DOWN STORE
/1948 ASSTER 13X4 [REDACTED]
/1949 NEWLOC [REDACTED] [TOP 30 LOT]
/1953 ASNCAS 1Z12 \$SO13003769
/1953 NEWLOC [REDACTED] [TOP OF 30 LOT]
/1953 NEWLOC [REDACTED] [NEAR 257 DRAKE]
/1953 NEWLOC [REDACTED] [NEAR 257 DRAKE]
/1954 REMINQ CRHST, [REDACTED] SO133796245AGAINSTOFFICER,GRAYSON,CH
AKA,M,B, [REDACTED] ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
X,,, ,X,,,
/1954 REMINQ CRHST, [REDACTED] SO133796245AGAINSTOFFICER,,,,,,,,,,,,,
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,X,,,
/1 REMINQ CRHST, [REDACTED] SO133796245AGAINSTOFFICER,,,,,,,,,,,,,
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,X,,,
/1955 NEWLOC 13K918 [200 LOT]
/1956 NEWLOC [REDACTED] [MSS]
/1956 ASSTER [REDACTED] [ENROUTE MARIN CITY]
[REDACTED]
/1956 ONSCNE 20L18
/1956 ONSCNE 20L7
/1958 CHGLOC 1A2 [MSS]
/1959 MISC [REDACTED] ,1Q21 HAS THE MEDIA DOWN HERE WHERE DO YOU WANT
THEM

/2000 \$PREMPT 13K24
 /2001 MISC [REDACTED] , INITIATING 200 PARKING LOT ALONG THE SUSPECT PA
 TH, LET THE UNITS KNOW
 /2001 NEWLOC [REDACTED] [W/K9 TRACKING]
 , STARTING 200 LOT
 /2002 \$PREMPT [REDACTED]
 /2002 MISC [REDACTED] , FOR THE CALL LOG, PASSENGER DOOR ON THE BUICK W
 AS OPEN FOR K9 SNIFF
 /2002 MISC 13K918 , COMING UP THE HILL WITH DOG
 /2004 MISC [REDACTED] , 12Q72 TO [REDACTED] REPORTING 3 PARK UNITS HEADED TH
 AT WAY
 /2004 MISC [REDACTED] TO 20K5 K9 IS ON SEARCH
 /2005 MISC [REDACTED] SAID THAT K9 HIT CYCLONE FENCE, HEADED DO
 WN THE FENCE
 /2007 MISC [REDACTED] , STATES HE IS ON THE HILL TO REAR OF 243 DRAKE,
 BACK OF 200 LOT ON HILL
 /2007 ONSCNE USPP
 /2007 ONSCNE 1A2
 /2009 MISC [REDACTED] , MOVING DOWN TOWARD 100 COURTYARD HILL SIDE
 /2011 MISC [REDACTED] , [REDACTED] TO 12Q72 REQUESTING THAT CHP OPEN OFF RAM
 P AT MARIN CITY
 /2013 MISC [REDACTED] , PER [REDACTED] THEY JUST OPENED OFF RAMP, PEOPLE WIL
 L BE ALLOWED INTO CITY WITH DETOURS
 /2014 MISC [REDACTED] , 13K918 CHECKED ALL THE WAY TO TOP OF FREEWAY AN
 D CLEAR DOWN TO BEHIND 100 COURT, 100 COURT YARD
 UP TO THE FREEWAY CLEAR, PER 1Q11
 /2014 MISC 10X50 , 10-8 FROM TRAFFIC CONTROL
 /2014 NEWLOC 10X50 [.]
 /2015 MISC [REDACTED] , 12Q72 TO 1A324, CHP IS OPENING FREEWAY NOW
 /2016 NEWLOC 1Z31 [30 LOT]
 /2020 MISC [REDACTED] , 1X551, Q22 ATTEMPTING 49 #4 554 AND Z31 TO REAR
 OF BUILDING
 /2020 SUPP TXT: CHP UNITS FROM BRIDGE/BWAY CLEARED TO SECUR
 E ,
 SRC: R
 /2020 NEWLOC [REDACTED] [49 COLE #4]
 /2021 *CLEAR 10X50
 /2021 MISC [REDACTED] , ATTEMPTING CONTACTED
 /2021 NEWLOC [REDACTED] [R/O 49 COLE #4]
 /2021 NEWLOC 1Q22 [R/O 49 COLE #4]
 /2022 MISC [REDACTED] , NEG CONTACT AT DOOR
 /2023 MISC 13K918 , COMING OUT ON BRIDGEWAY AND GOING AROUND THE TR
 ACK, GOT THRU THE FENCE AND ARE CONTINUING TO BR
 IDGE AND BRIDGEWAY
 /2024 MISC [REDACTED] , 1X551, NO CONTACT AT DOOR COMING BACK TO 1A324'
 S LOCATION
 /2024 MISC [REDACTED] , MESSAGE LEFT FOR K32 (NPD NRT)
 /2032 *MISC 10Q52 , MOBILE SESSION RESTART
 /2034 NEWLOC 1Z31 [TERNERS]
 /2034 NEWLOC [REDACTED] [MSS]

/2036 MISC , FROM THE LAST KNOWN BLOOD LOCATION TO THE TALL
GRASS, NORTH TO THE HI-RISES AND NOTHING
/2037 MISC , PROCESS OF DEMOBING AND RELEASING UNITS
/2042 MISC , 13X4 REQ SRPD CSI TEAM TO RESPOND. INFO RELAYED
TO [REDACTED] AT SRPD
/2042 SUPP TXT: [REDACTED] PH/ [REDACTED] - I
NQUIRING IF HE CAN RESPOND BA CK OUT TO MSS TO D
ELIVER AN ONLINE ORDER - ADVISED MCSO DIRECTING
TRAFFIC IN T HE CITY FOR "RESIDENTS'' ,
SRC: R

Event History for: #L13097790

Entered 07/07/13 17:28:06 BY DS7 [REDACTED]
Dispatched 07/07/13 17:28:06 BY DS7 [REDACTED]
Enroute 07/07/13 17:28:06
Onscene 07/07/13 17:28:06
Closed 07/07/13 17:36:05

Initial Type: TSTOP Final Type: TSTOP (TRAFFIC STOP)
Initial Priority: 3 Final Priority: 3
Disposition: Source: R Primary Unit: 1Z12
Law BLK: 1133 Fire BLK: MRN3A Govt BLK: CCY
Group: SO Beat: 11 TB Map Page: 626J1 Fire Map Page: 5159 /49
Loc: N BRIDGE BL/BRIDGEWAY BL ,SAS (V)
Name: Addr: Phone:

/1728 (SO2419) \$OUTSRV ,GRN CHEY SUB TO ADV

/1728 DISPOS 1Z12 @ [REDACTED]
#SO1679 KUBOTA, EVAN
,GRN CHEY SUB TO ADV

/1728 REMINQ 1Z12 VEH,Z12,, [REDACTED],

/1728 CHANGE LOC: BRID/BWAY --> N BRIDGE BL/BRIDGEWAY BL ,SA
S,
BLK: --> 1133

/1728 ASSTOS 1Q11 [N BRIDGE BL/BRIDGEWAY BL ,SAS]

/1730 REMINQ 1Z12 PERSON,1Z12 [REDACTED],A,F, [REDACTED],,X, [REDACTED]

/1731 REMINQ 1Z12 PERSON,1Z12, [REDACTED],,M, [REDACTED],,X

/1731 [REDACTED] SUPP TXT: [REDACTED] HAS CONTACTS, NEG CURRENT PROB ,
SRC: R

/1731 REMINQ 1Z12 PERSON,1Z12, [REDACTED],L,,M, [REDACTED],,X,,

/1731 [REDACTED] SUPP TXT: [REDACTED] HAS CONTACTS, NEG CURRENT PROB ,
SRC: R

/1731 REMINQ 1Z12 PERSON,1Z12 [REDACTED],,X,,

/1731 [REDACTED] SUPP TXT: SUBJ/ [REDACTED] HAS ONE CONTACT IN EJUS, NEG PR
OBATION ,
SRC: R

/1732 REMINQ 1Z12 PERSON,1Z12, [REDACTED],F, [REDACTED],X, [REDACTED]

/1732 [REDACTED] SUPP TXT: NEG CONTACTS FOR [REDACTED] ,
SRC: R

/1734 [REDACTED] CONTCT Contact in 5 Minutes

/1735 CLEAR 1Q11

/1736 CLEAR 1Z12 ,WITH AN FI

/1736 CLOSE 1Z12

/16 3 (SO1679) *LOGON #SO1679 KUBOTA, EVAN

VEH/0927

SM 31333

1212
KUBOTA

/1712 *REMINQ GIVEH [REDACTED]
/1712 *REMINQ GIVEH [REDACTED]
/1713 *REMINQ GIVEH [REDACTED]
/1720 *REMINQ GIVEH [REDACTED]
/1726 *REMINQ GIVEH [REDACTED]
/1726 *REMINQ GIVEH [REDACTED]
/1728 [REDACTED] DISPOS #L13097790 T/TSTOP [BRID/BWAY] @ [REDACTED] ,GRN CHEY
SUB TO ADV
/1728 REMINQ #L13097790 VEH,Z12,, [REDACTED]
/1728 CHANGE #L13097790 LOC: BRID/BWAY --> N BRIDGE BL/BRIDGEWAY BL
,SAS
/1730 REMINQ #L13097790 PERSON,1Z12, [REDACTED] F, [REDACTED] ,X,D
[REDACTED]
/1730 REMINQ #L13097790 PERSON,1Z12, [REDACTED] ,M, [REDACTED] ,
,,X, [REDACTED]
/1731 REMINQ #L13097790 PERSON,1Z12, [REDACTED] ,X,,
/1731 REMINQ #L13097790 PERSON,1Z12, [REDACTED] ,X,,
/1732 REMINQ #L13097790 PERSON,1Z12, [REDACTED] ,X,D5
[REDACTED]
/1734 CONTCT #L13097790 Contact in 5 Minutes
/1736 CLEAR #L13097790 ,WITH AN FI
/1750 [REDACTED] DISPOS #L13097802 *SO13015769 T/1057 [MARIN CITY] ,NO MORE IN
FORMATION
/1751 MISC #L13097802 ,SHACKA GRAYSON
/1751 MISC #L13097802 ,DONAHUE AND DRAKE
/1751 NEWLOC #L13097802 [NEAR 9 TERNERS]
/1751 [REDACTED] NEWLOC #L13097802 [9 TERNERS]
/1751 [REDACTED] NEWLOC #L13097802 [9 TERNERS]
/1752 [REDACTED] MISC #L13097802 ,BLOCK OUT CITY AND ID SUBJS
/1752 MISC #L13097802 ,PER 1X10 LOCK IT DOWN TIL OUTSIDE AGENCIES G
ET ON SCENE
/1753 MISC #L13097802 ,BLOCKING TERRACE AND TERNERS
/1753 [REDACTED] MISC #L13097802 ,,DL/NO: [REDACTED] *B/D:03-09-1969*NAME:GRAYSON
CHAKA ALI*MAIL ADDR AS OF 05-18-11: [REDACTED]
[REDACTED] *RES/ADDR [REDACTED]
[REDACTED] OTH/ADDR AS OF 04-06-09 [REDACTED]
[REDACTED] *
/1753 [REDACTED] MISC #L13097802 ,GOLD BUICK
/1753 [REDACTED] MISC #L13097802 ,GOLD BUICK IN 100 LOT
/1753 MISC #L13097802 ,,
/1753 REMINQ #L13097802 REG,1Z12,,,,GRAYSON,CHAKA,,,,,
/1754 [REDACTED] REMINQ #L13097802 REG,1Z12,,,,GRAYSON,CHAKA,A,,,,,
/1754 [REDACTED] MISC #L13097802 ,POSS SITTING AT 100 LOT, SHOULD HAVE ROUNDS
INTO SIDE OF VEH
/1756 MISC #L13097802 ,VEH IN 100 LOT IS NOT CORRECT VEH
/1756 [REDACTED] REMINQ #L13097802 VEH,1Z12,, [REDACTED] ,

15 15
KNOB

/1756 [REDACTED] MISC #L13097802 ,MAYBE ONE IN 200 LOT, NEED ONE MORE OUTSIDE
AGENCY TO COVER
/1757 ([REDACTED] REMINQ #L13097802 VEH,1Z12,, [REDACTED] ,
/1757 ([REDACTED] MISC #L13097802 ,TAKING ROCKS NOW
/1758 MISC #L13097802 ,TAKING ROCKS
/1 [REDACTED] REMINQ #L13097802 VEH,1Z12,, [REDACTED]
/1759 MISC #L13097802 ,RAN INTO THAT VEH ATTEMPTING TO GET AWAY
/1953 [REDACTED]) ASNCAS #L13097802 \$SO13003769

1Q11

/0646 [REDACTED] *LOGON [REDACTED]
VEH/0927
31316

/0811 [REDACTED] DISPOS #L13097580 *SO13015727 T/ACHP [STINSON BEACH] ,VEH/BRO
CHVY SUBURBAN CA [REDACTED] AN MOTORCYCLIST O
FF THE RD, LS/5 AGO ON PANORAMIC TWDS BOOT JA
CK

/0811 CHANGE #L13097580 LOC: STINSON BEACH --> 3499 SHORELINE HW-- S
TINSON BEACH

/0811 ENROUT #L13097580

/0812 MISC #L13097580 ,INFO VIA 34Z2 ON PRIMARY

/0812 MISC #L13097580 ,PER 34Z2 , THE VIC WILL PRESS CHARGES

/0812 CALLBK #L13097580 ,CALL CHP AND ADV

/0814 MISC #L13097580 ,HEARD CHP BROADCAST OVER THEIR RADIO

/0814 CHGLOC #L13097580 [PANORAMIC/BOOT JACK]

/0822 MISC #L13097580 ,PANORMAIC TO 4 CORNERS IS CLEAR, STANDING BY
AT 4 CORNERS

/0822 NEWLOC #L13097580 [4 CORNERS]

/0835 [REDACTED] *OK #L13097580

/0839 [REDACTED] *CLEAR #L13097580 D/00000 ,GOA

/1033 [REDACTED] DISP #L13097618 *SO13015735 T/AMED [556 NORTHERN AV ,TAM]

/1034 [REDACTED] ENROUT #L13097618

/1045 [REDACTED] *ONSCNE #L13097618

/1046 [REDACTED] MISC #L13097618 ,10-55

/1047 REMINQ #L13097618 [REDACTED] , BLK LANDCURSER

/1047 REMINQ #L13097618 VEH,1Q11,, [REDACTED]

/1047 REMINQ #L13097618 [REDACTED] , WHI BMW SUV

/1047 REMINQ #L13097618 VEH,1Q11,, [REDACTED]

/1047 REMINQ #L13097618 PERSON,1Q11 [REDACTED] ,,,X,,

/1047 REMINQ #L13097618 DRVUS,1Q11,Mi [REDACTED] ,,,X,,

/1101 ASNCAS #L13097618 \$SO13003762

/1103 OK #L13097618

/1118 MISC #L13097618 ,HAVE ON CALL CORONER CALL 1Q11'S CP

/1119 CHANGE #L13097618 T/BODY

/1147 [REDACTED] ASNCAS #L13097618 \$CR13000163 *CR13000368

/1305 [REDACTED] OK #L13097618 , WAITING FOR FAMILY TO COME BACK

/1315 CLEAR #L13097618 ,REPORT TAKEN

/1325 DISPOS #L13097696 T/PORT [GATEWAY] NO MORE INFORMATION

/1325 CHANGE #L13097696 LOC: GATEWAY --> [REDACTED] - GATEWAY MA
LL

/1339 CLEAR #L13097696

/1450 DISPER #L13097727 *SO13015757 T/WELCK [REDACTED]
ALM]

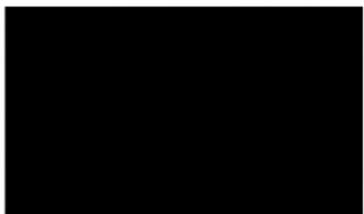
/1450 REMINQ #L13097727 PERSON,1Q11 [REDACTED] F [REDACTED] ,,,X,,

/1454 PREMPT #L13097727

/1633 [REDACTED] LOGOFF # [REDACTED]
VEH/0927

/1634 [REDACTED] *LOGON # [REDACTED]

1101



VEH/0926

SM 72009.3 CELL # 55

/1634 *OUTONS T/MSS [MARIN CITY SUB]

/1658 () CLEAR

/1700 () *MISC ,MOBILE SESSION RESTART

/1710 *REMINQ GUIVEH [REDACTED] 11111111111111111111

/1710 *REMINQ GUIVEH [REDACTED] 11111111111111111111

/1712 *REMINQ GUIVEH [REDACTED] 11111111111111111111

/1713 *REMINQ GUIVEH [REDACTED] 11111111111111111111

/1718 *REMINQ GUIVEH [REDACTED] 11111111111111111111

/1720 *REMINQ GUIVEH [REDACTED] 11111111111111111111

/1724 *REMINQ GUIVEH [REDACTED] 11111111111111111111

/1726 *REMINQ PERSON,,GRAYSON,CHAKA,,M,,45,111,MARINCITY,X,

/1728 (SO2419) ASSTOS #L13097790 T/TSTOP [N BRIDGE BL/BRIDGEWAY BL ,SAS]

/1734 CONTACT #L13097790 Contact in 5 Minutes

/1735 CLEAR #L13097790

/1738 REMINQ VEH,1Q11,, [REDACTED],

/1739 DISPOS #L13097797 T/TSTOP [NB 101 NO SEMINA] @ [REDACTED] ,B
LU HONDA

/1739 REMINQ #L13097797 VEH,1Q11,, [REDACTED],

/1739 MISC #L13097797 ,TO ADV

/1739 CHANGE #L13097797 LOC: NB 101 NO SEMINA --> NB HWY 101 NO SEMI
NARY DR ,MVP

TYP: TSTOP --> TSTOP

/1742 REMINQ #L13097797 PERSON,1Q11, [REDACTED] F [REDACTED] ,,X,

/1743 CALLBK #L13097797 ,SF CK

/1750 () *CLEAR #L13097797

/1800 () MISC ,BUICK IS PARKED IN 200 LOT

/1810 ASSTER #L13097802 *SO13015769 T/1057 [REDACTED]

/1934 MISC #L13097802 ,,

/1934 MISC #L13097802 ,49 COLE LG BLAST CAME FROM IT PER 1Q11

/1934 () MISC #L13097802 ,HEARD ANOTHER LARGE BLAST FROM 49 COLE

/1935 () MISC #L13097802 ,,49 COLE LG BLAST CAME FROM IT PER 1Q11

/1953 ASNCAS #L13097802 \$SO13003769

/2117 [REDACTED] ONSCNE #L13097802

/2325 [REDACTED] *MISC #L13097802 ,MOBILE SESSION RESTART

/0638 [REDACTED] *LOGON [REDACTED];P1653

VEH/0010

MLG 65083 KEEPING IT UNSULLIED!

/0831 [REDACTED] *OUTONS T/MSS [MARIN CITY SUB]

/0 [REDACTED] *CLEAR

/0910 [REDACTED] DISP #L13097587 T/1016 [REDACTED]

/0910 ENROUT #L13097587

/0915 [REDACTED] *ONSCNE #L13097587

/0917 [REDACTED] *CLEAR #L13097587

/0955 [REDACTED] DISP #L13097602 *SO13015732 T/FRAUD [REDACTED]

/0955 ENROUT #L13097602

/1005 [REDACTED] *ONSCNE #L13097602

/1016 [REDACTED] *CLEAR #L13097602 D/00000 ,NO LOSS, RP ALREADY HAS FRAUD ALERT
ON HER ACCOUNT FROM PRVIOUS ID THEFT CASE, A
PPLICATION APPLIED FOR ONLINE AND DENIED.

/1034 [REDACTED] ASSTER #L13097618 *SO13015735 T/AMED [REDACTED]

/1051 \$PREMPT #L13097618

/1051 DISPER #L13097627 *SO13015737 T/1033A [REDACTED]

/1058 [REDACTED] *ONSCNE #L13097627

/1104 [REDACTED] CONTCT #L13097627 Contact in 5 Minutes

/1104 REMINQ #L13097627 [REDACTED] ,BLU MERZ

/1104 REMINQ #L13097627 VEH,1Q13,, [REDACTED],

/1105 CALLBK #L13097627 T/DS8 ,CALL INSIDE

/1106 MISC #L13097627 ,PERIMETER CK

/1112 [REDACTED] OK #L13097627

/1117 [REDACTED] *CLEAR #L13097627 D/00000 ,SIDE DOOR TO GARAGE UNLOCKED, NO ACC
ESS TO HOUSE FROM GARAGE . NOTHING APPEARED D
ISTURBED. RESECURED SIDE GARAGE DOOR

/1188 [REDACTED] ASSTER #L13097618 *SO13015735 T/BODY [REDACTED]

/1 [REDACTED] ONSCNE #L13097618

/1138 OK #L13097618

/1147 [REDACTED] ASNCAS #L13097618 \$CR13000163 *CR13000368

/1256 [REDACTED] \$PREMPT #L13097618

/1256 DISPER #L13097683 *SO13015748 T/415V [REDACTED]

/1258 CLEAR #L13097683

/1258 DISPER #L13097637 *SO13015749 T/MS [REDACTED]

/1303 [REDACTED] *ONSCNE #L13097637

/1309 [REDACTED] *CLEAR #L13097637 D/00000 ,NO ANSWER AT DOOR, NO CONSTRUCTION N
OISES COMING FROM RESIDENCE

/1310 [REDACTED] DISPER #L13097686 *SO13015751 T/CIV [MSS]

/1316 [REDACTED] *ONSCNE #L13097686

/1329 [REDACTED] CLEAR #L13097686 ,NO CUSTODY VIOLATION AT THIS TIME AND ADV GI
VEN FOR CIV STANDBY TOMORROW

/1404 [REDACTED] DISP #L13097717 *SO13015755 T/1066 [REDACTED]

/1405 [REDACTED] REMINQ #L13097717 VEH,1Q13, [REDACTED] C

/1405 [REDACTED] REMINQ #L13097717 REG,1Q13, [REDACTED] C

/1406 [REDACTED] ENROUT #L13097717 , TO ADV

/1413 [REDACTED] ONSCNE #L13097717

/1415 [REDACTED] MISC #L13097717 ,SUBJ IS GOA, CKING SURROUNDING AREAS

1Q13

1013

/1419 [REDACTED] *CLEAR #L13097717 D/00000 ,CHECKED AREA UTL/GOA
/1450 [REDACTED] ASSTER #L13097727 *SO13015757 TWELCK [REDACTED]
[REDACTED] ALM]
/1452 [REDACTED] REMINQ #L13097727 PERSON,1Q13, [REDACTED] F [REDACTED]
/1453 [REDACTED] REMINQ #L13097727 PERSON,1Q13, [REDACTED] F, [REDACTED] X,,
/1454 [REDACTED] REMINQ #L13097727 DRIVER,1Q13, [REDACTED] [REDACTED]
/1500 [REDACTED] REMINQ #L13097727 PERSON,1Q13 [REDACTED] F, [REDACTED] X,,
/1504 [REDACTED] ONSCNE #L13097727
/1519 [REDACTED] *CLEAR #L13097727
/1607 *MISC ,MOBILE SESSION RESTART
/1712 *REMINQ GIVEH [REDACTED]
/1725 *OUTONS T/MSS [MARIN CITY SUB]
/1725 *CLEAR
/1751 [REDACTED] ASSTOS #L13097802 *SO13015769 T/1057 [MARIN CITY]
/1752 [REDACTED] NEWLOC #L13097802 [9 TERNERS]
/1826 [REDACTED] OK #L13097802 , ROLL CALL
/1828 [REDACTED] NEWLOC #L13097802 [IC 200 LOT]
/1953 [REDACTED] ASNCAS #L13097802 \$SO13003769
/2158 [REDACTED] NEWLOC #L13097802 [TERNERS]
/2214 [REDACTED] NEWLOC #L13097802 [TERRACE/TERNERS]

4DKWTG28600.IH

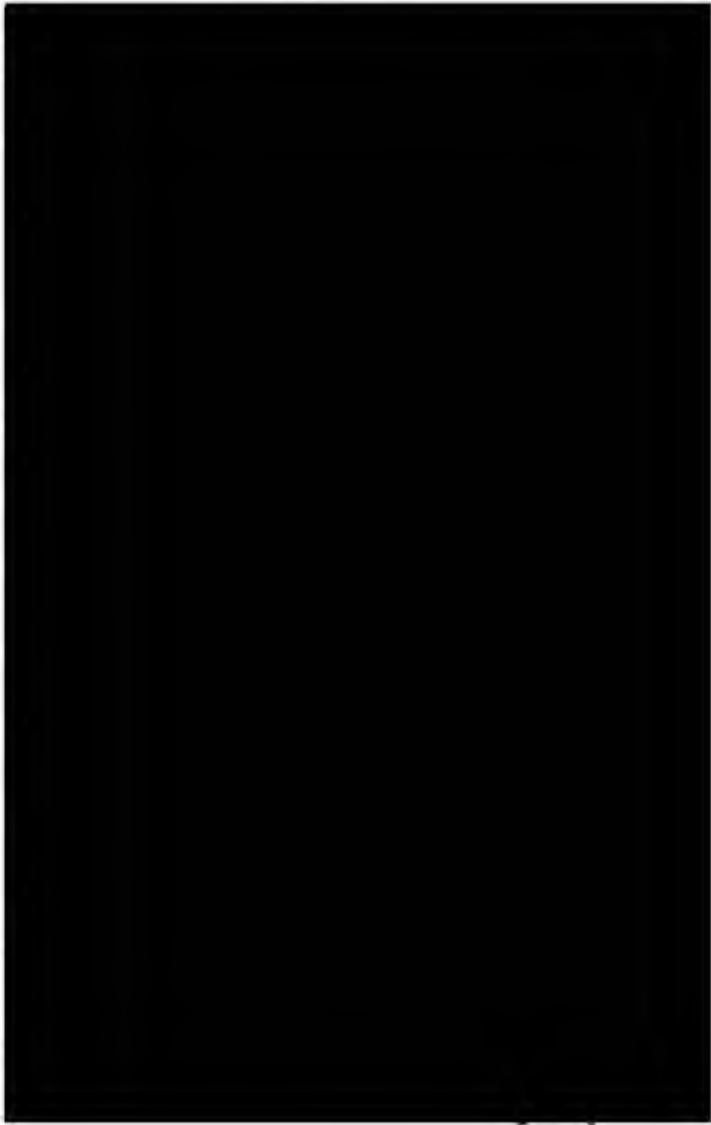
RE: QHY.CA0210000.08286316 [REDACTED] DATE:20130713 TIME:10:06:33
RESTRICTED-DO NOT USE FOR EMPLOYMENT,LICENSING OR CERTIFICATION PURPOSES
ATTN [REDACTED]

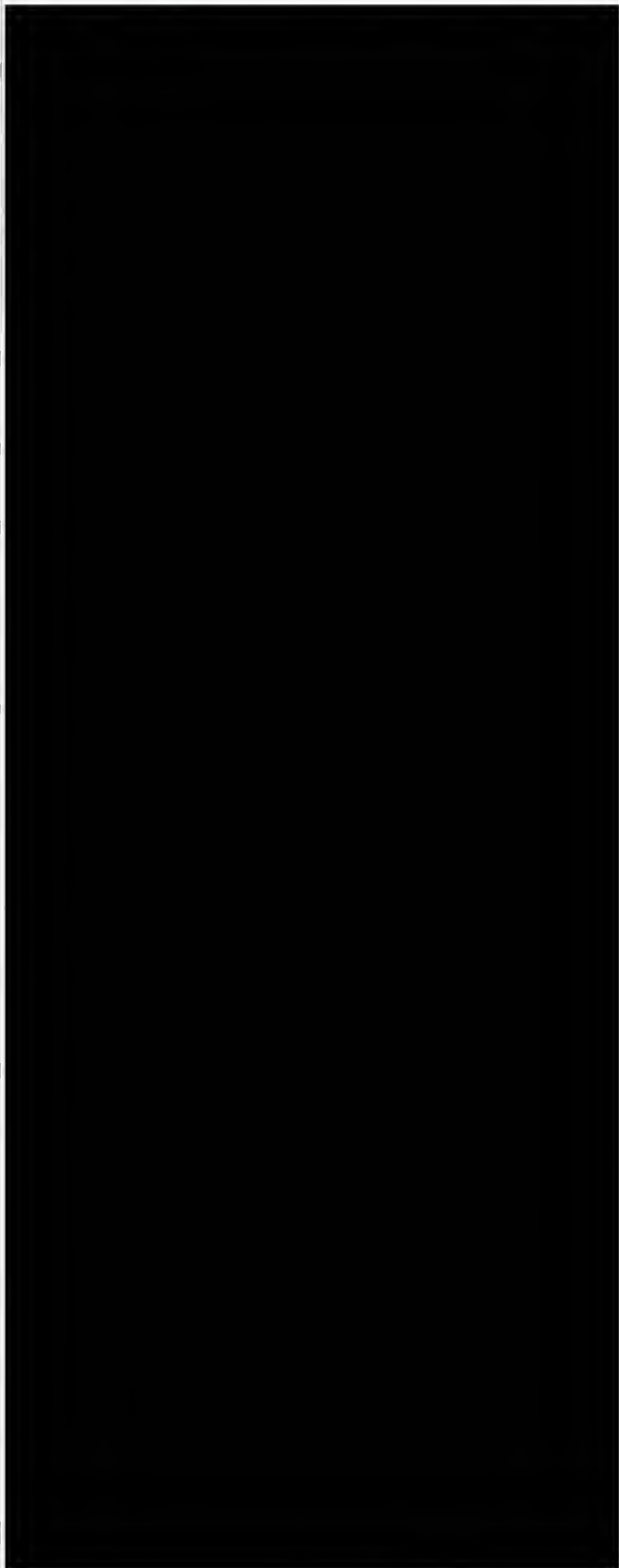
DO NOT COLLECT DNA. DNA SAMPLE HAS BEEN RECEIVED,
TYPED, AND UPLOADED INTO THE CAL-DNA DATA BANK.
FOR INFO (510) 620-3300 OR PC296.PC296@DOJ.CA.GOV.

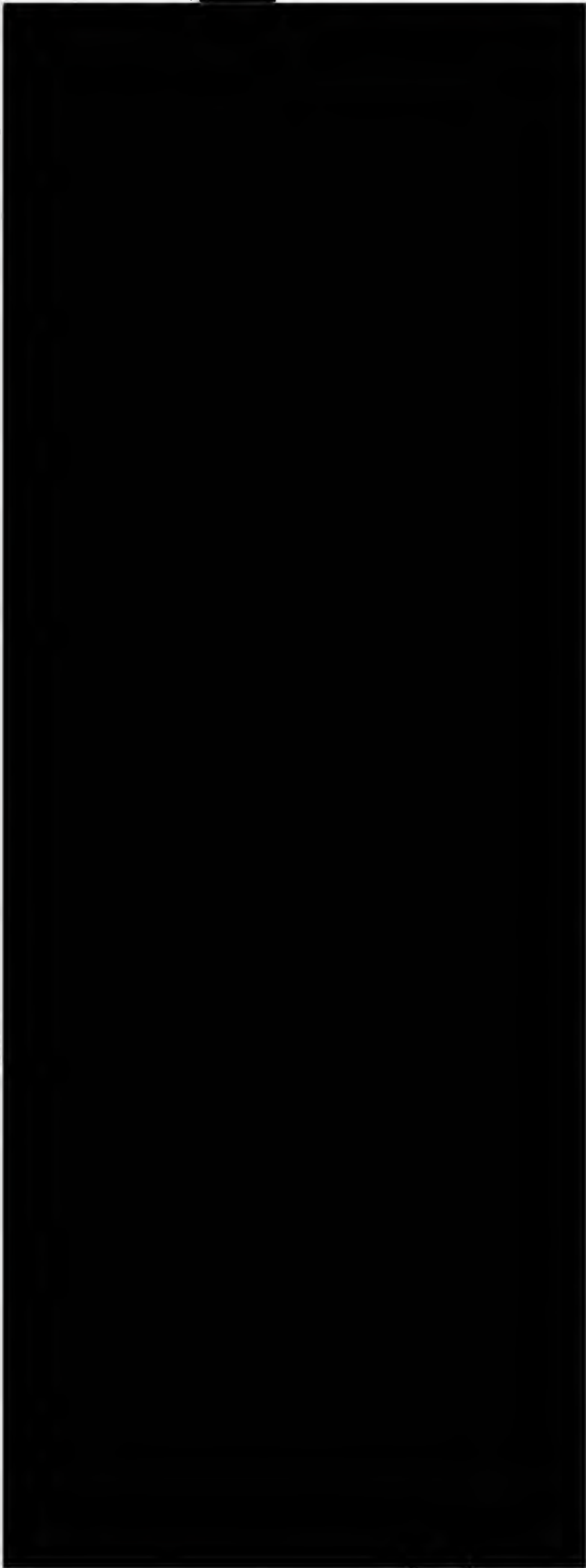
** PALM PRINTS AVAILABLE AT DOJ FOR PALM PRINTS CONTACT
PALM.PRINT@DOJ.CA.GOV

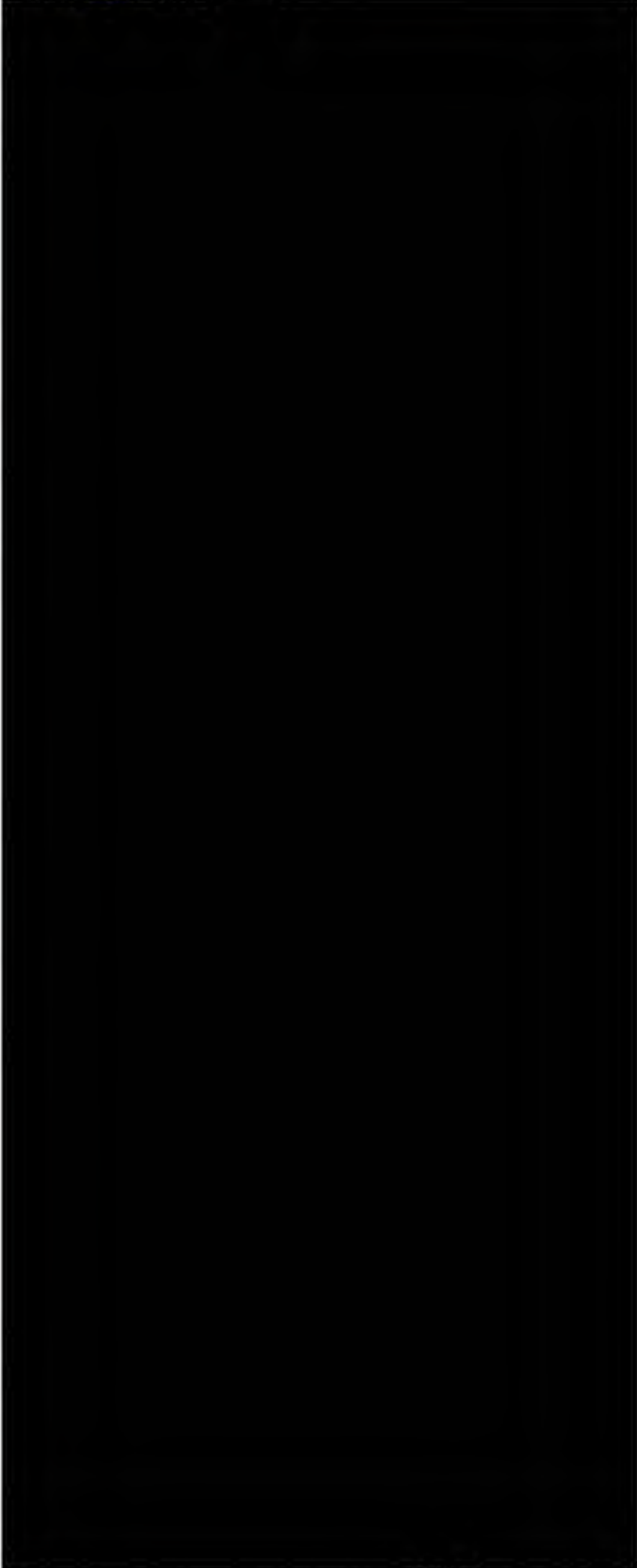
III CALIFORNIA ONLY SOURCE RECORD
CII/[REDACTED]
DOB/[REDACTED] SEX/M RAC/BLACK
HGT/508 WGT/180 EYE/BRO HAI/BLK POB/CA
NAM/01 GRAYSON,CHAKA ALI
02 GRAYSON,CHAKA
03 GRAYSON,SHAKA
04 GRAYSON,CHARA

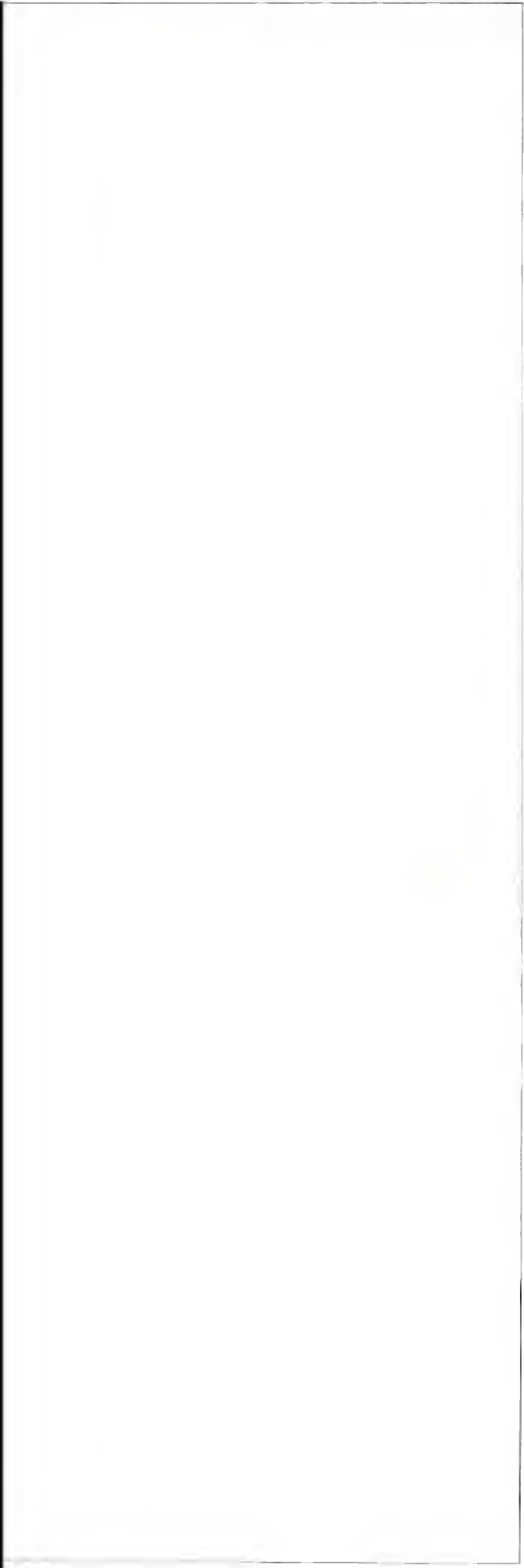
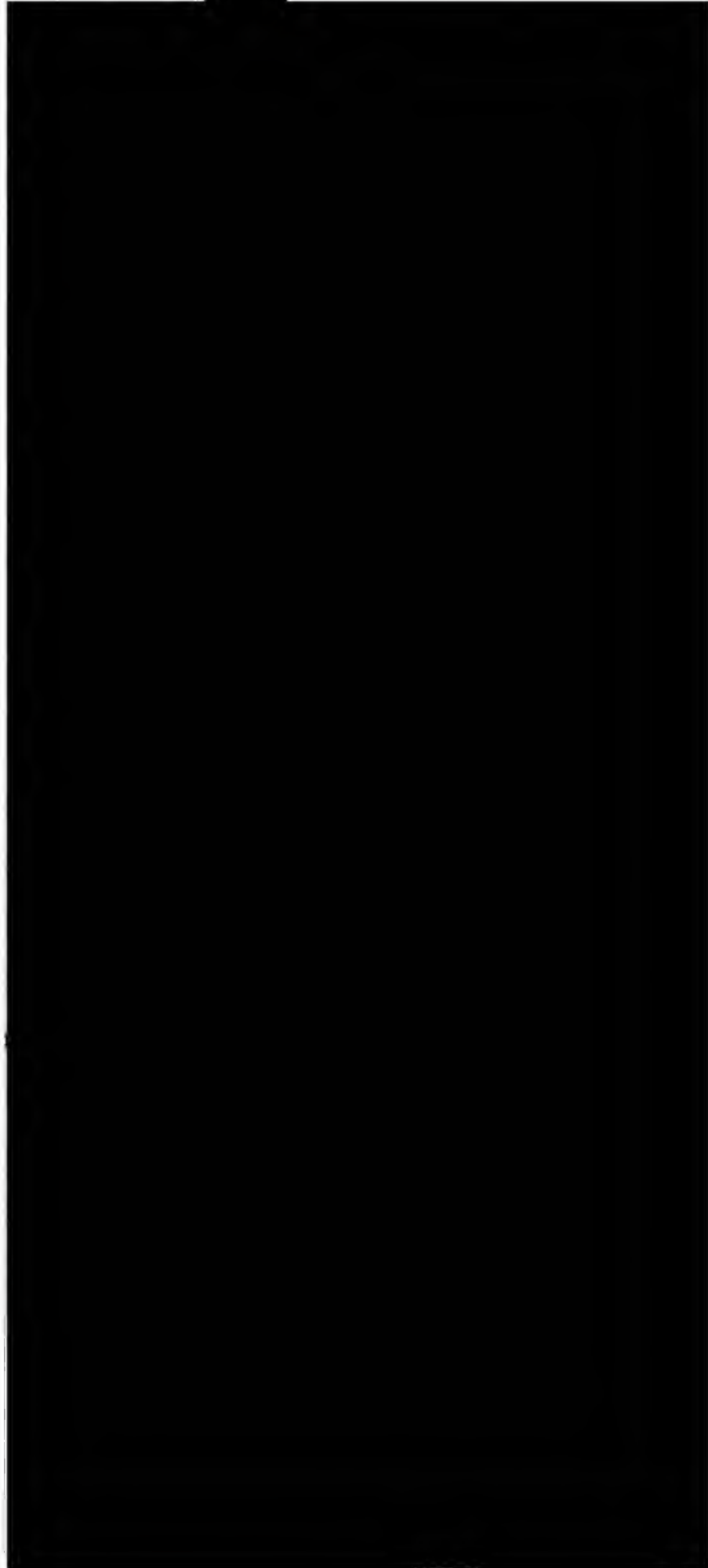
FBI/[REDACTED]
DOB/[REDACTED]
CDL/[REDACTED]
SOC/[REDACTED]
INN/[REDACTED]
SMT/SC FHD; SC HEAD; SC L EYE; SC R EYE; TAT ABDOM; TAT CHEST;
TAT R LEG
MDS/CTZ-CA
OCC/CARPENTER; CUSTODIAN; GAS ATTENDANT; [REDACTED] LABORER;
MAINT; MOVER; UNEMPLOYED
* * * *

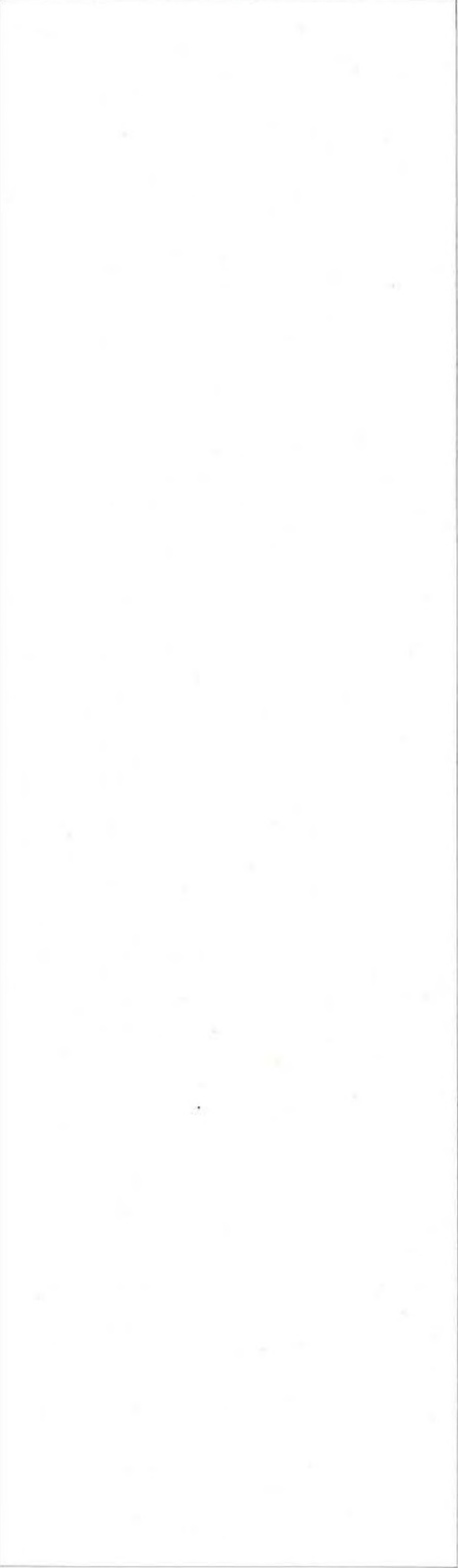
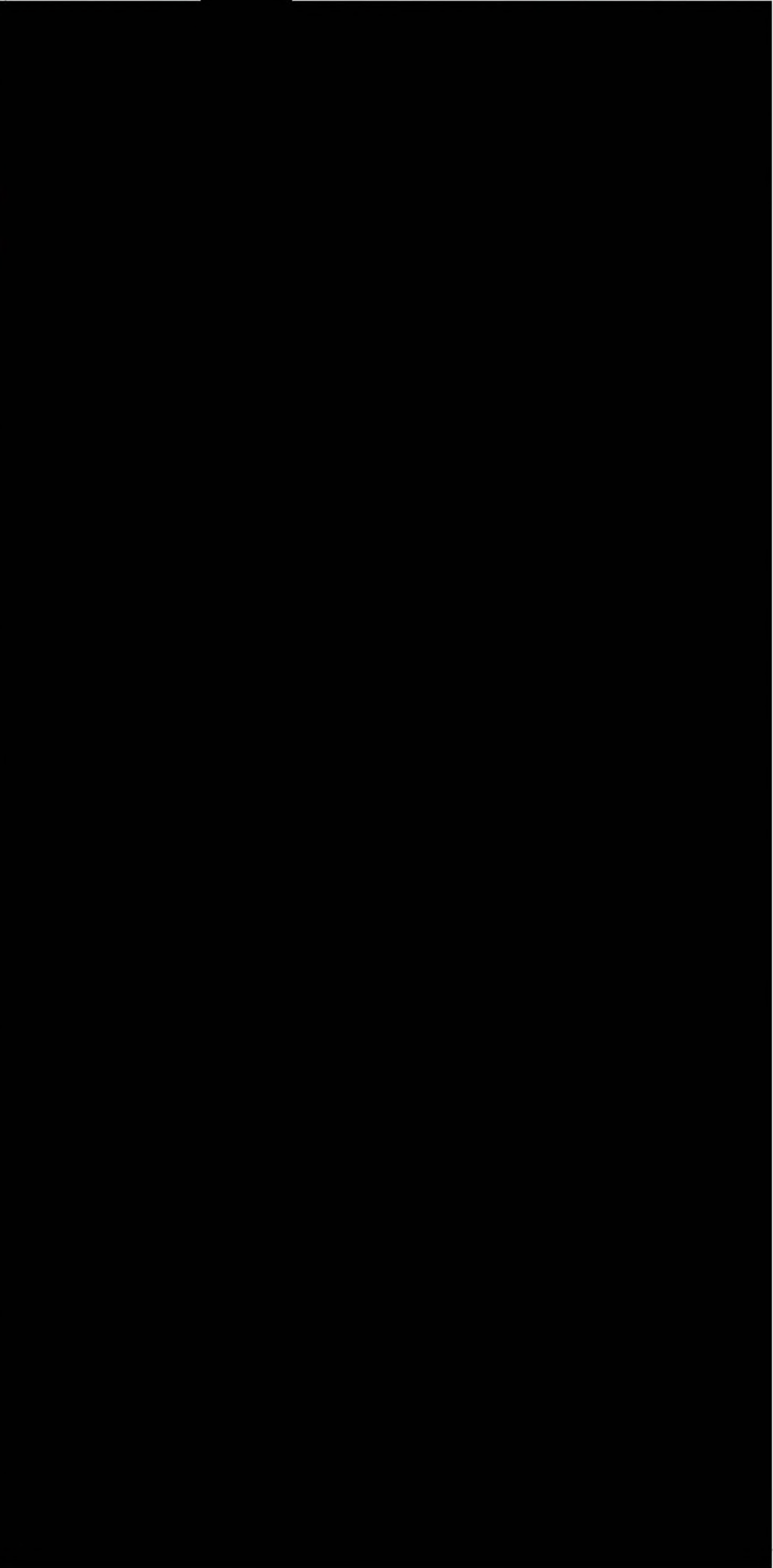


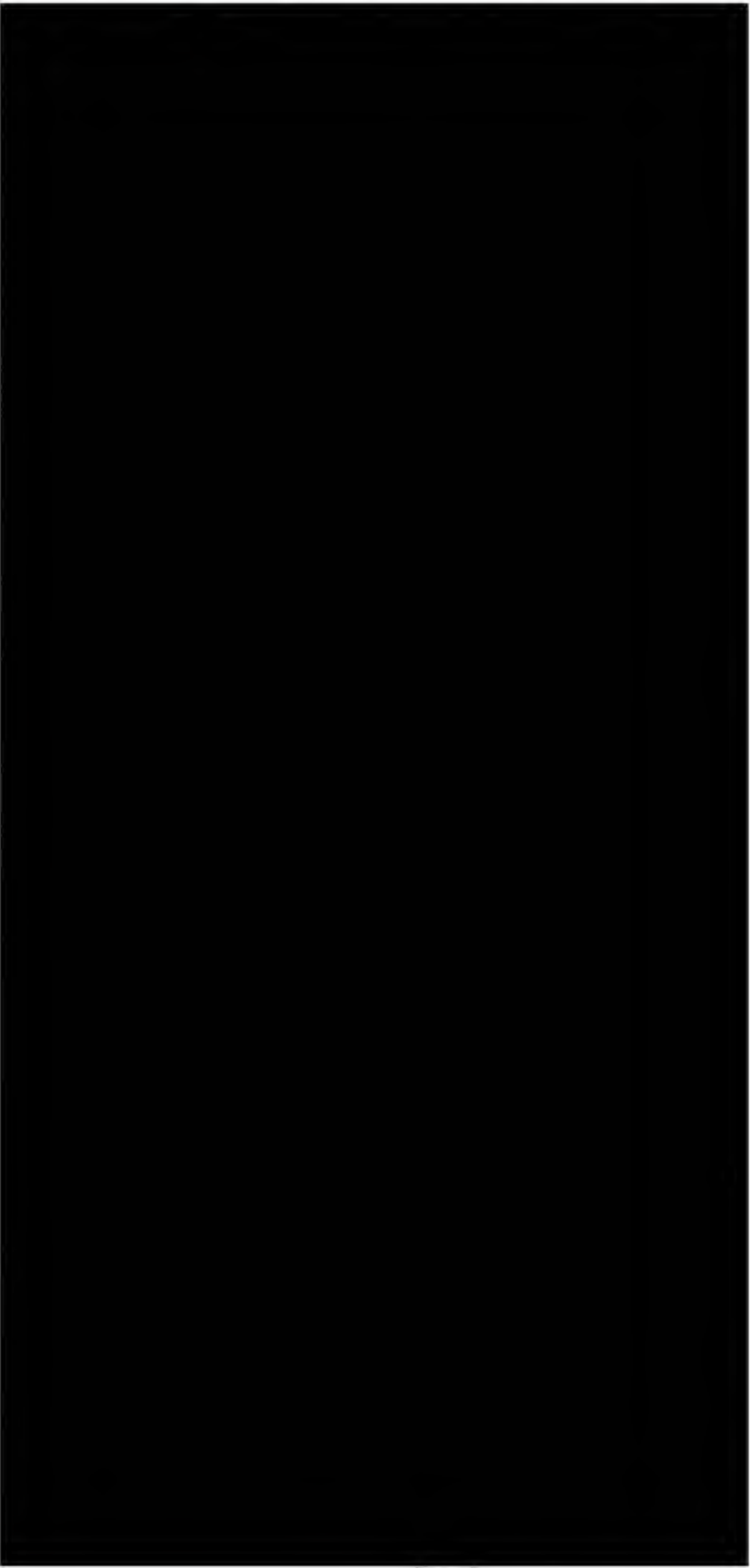


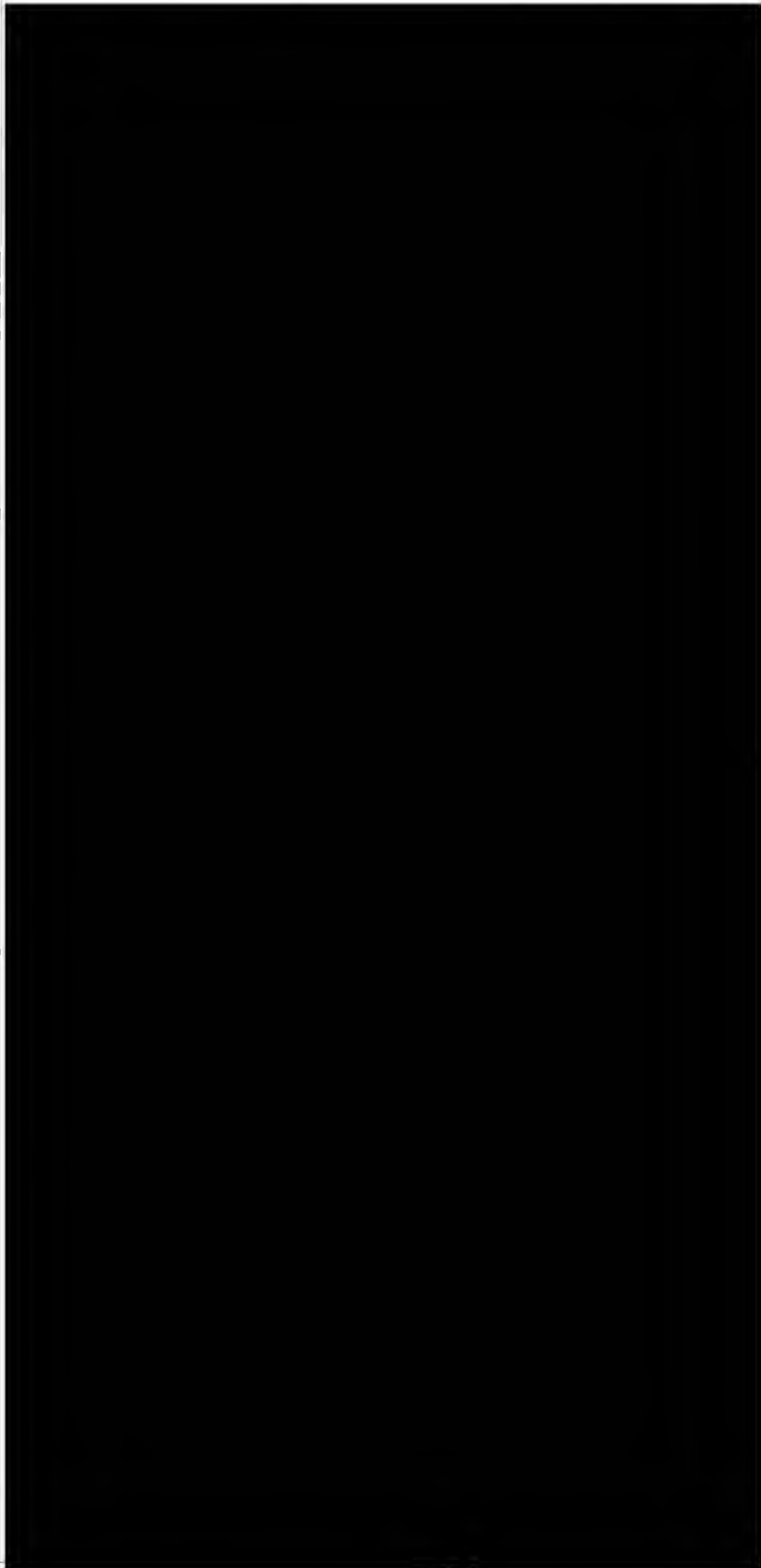


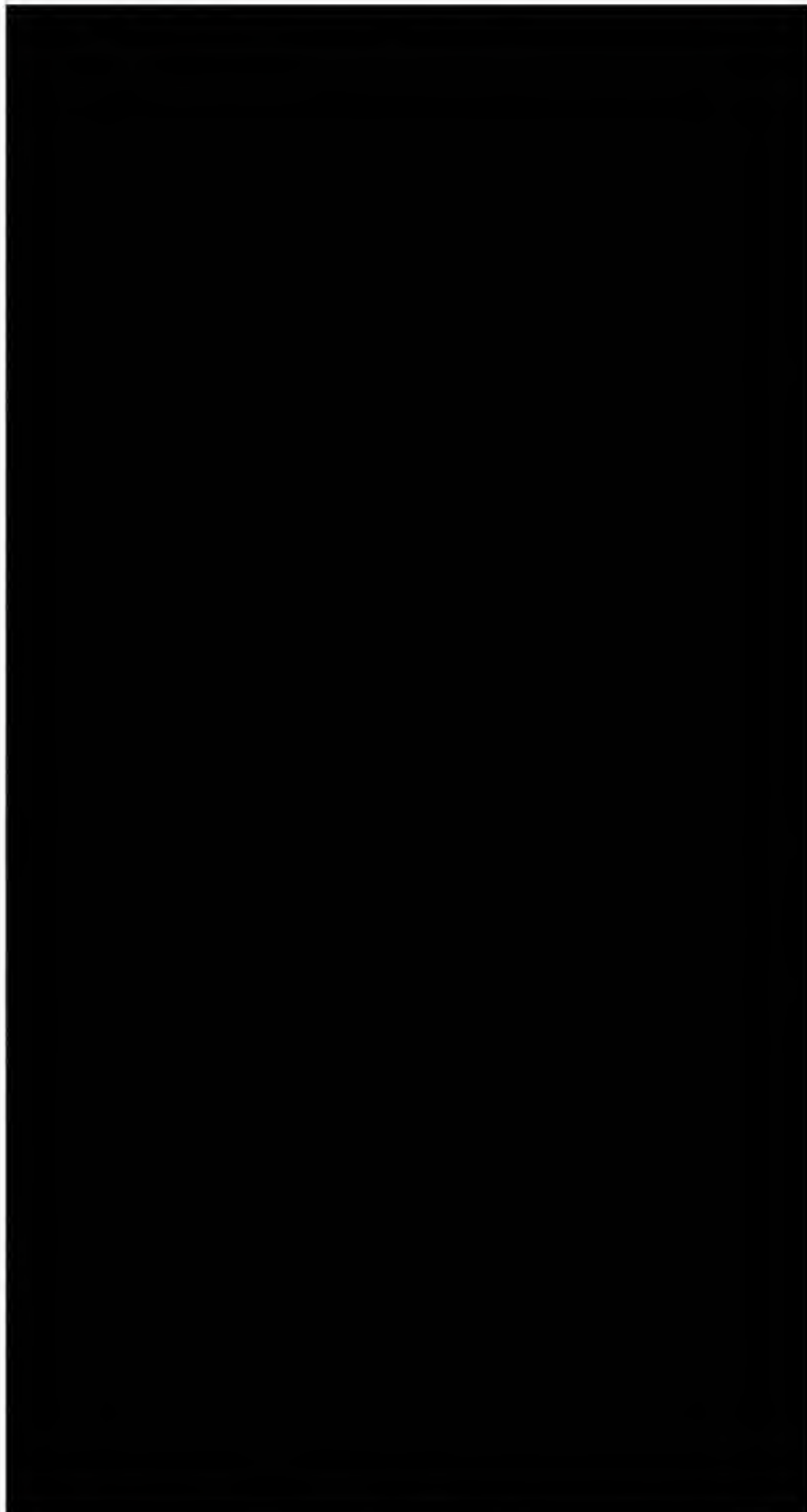


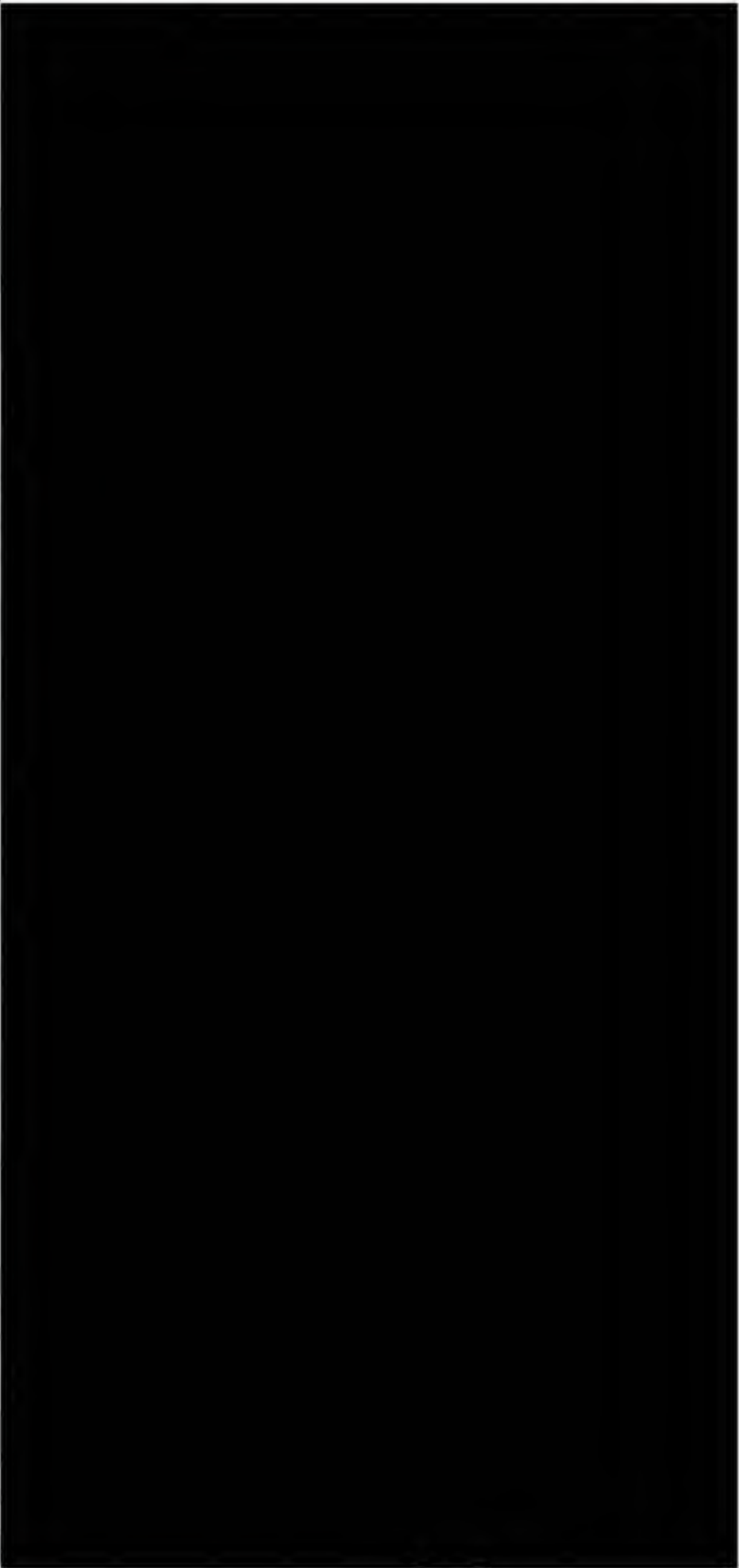


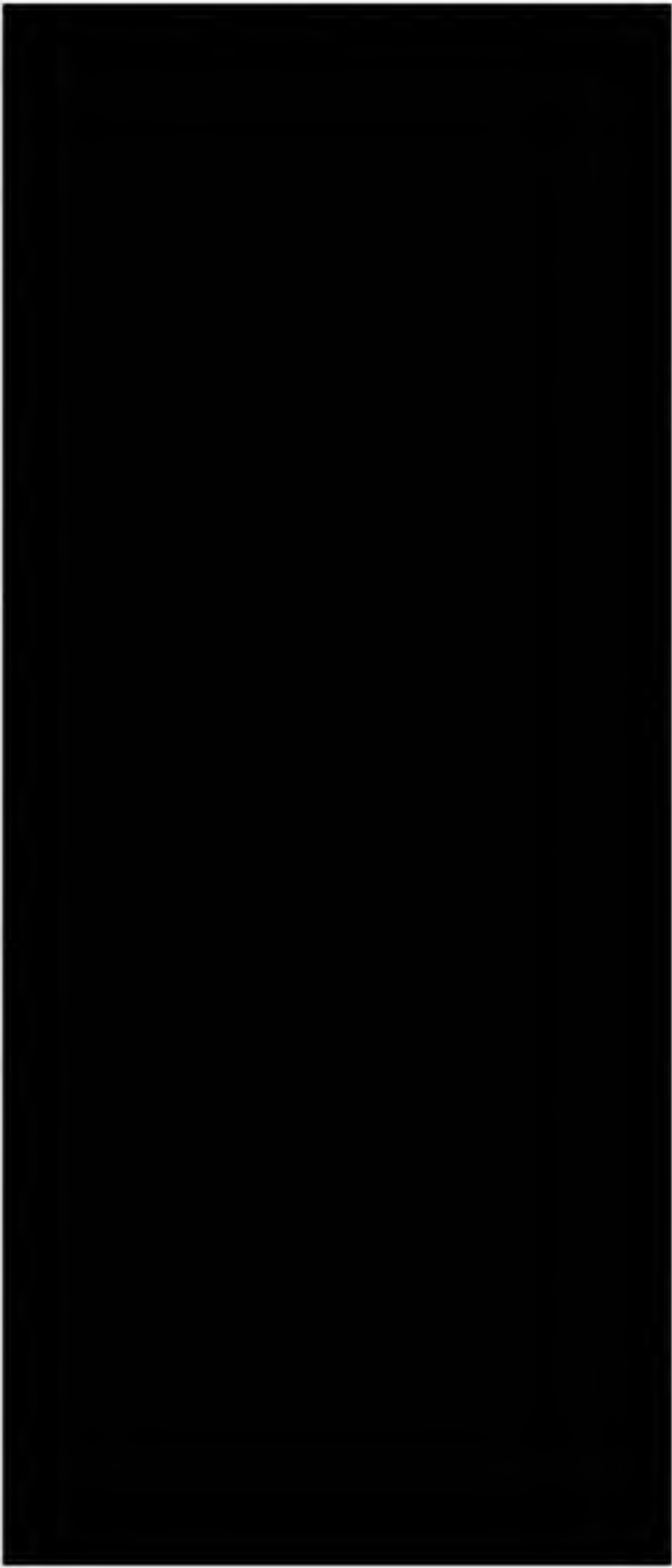












Marin County Justice Search

Court Case

Home	Criminal Case Search					Citation Search	Complaint Request	Reports	Print	Logout
	Person	Case	Address	Calendar	Subpoena					

Court Case Details

Name: GRAYSON, CHAKA ALI	Pleading Filed Date: 05/11/2010
Case Number: [REDACTED] View Minutes	
View All Future Appearances	Accepted Date: 02/03/2010

Person Details

Current Address: [REDACTED]	OLN: [REDACTED]	Height: 5' 08"
	DOB: [REDACTED]	Weight: 180 lbs.
Current Phone: [REDACTED]	Sex: M	Hair Color: BLACK
IPID: [REDACTED]	Race: BLACK	Eye Color: BROWN
SSN: [REDACTED]		

Charges and Dispositions

Count Code	Level Description	First Plea	Last Plea	Disposition	Dispo Date
------------	-------------------	------------	-----------	-------------	------------

Sentence Details

Incarceration	Yrs Mos Days Wknds	Court Fines/Fees	Amount	Additional Information
	[REDACTED]	Fine:	\$0.00	Booking Fee: \$0.00

Suspended/Stay:	0	0	0	0	A/R Fee:	\$0.00	Stay/Susp Fee:	\$0.00
Credit For Time Served:					C/P Fee:	\$0.00	Jail In Lieu of Fine:	\$0.00
Good/Work Time:					A/S Fees:	\$0.00	Pay from Bail:	
Total Credits:					Misc Fees:	\$0.00	Restitution Amount:	\$0.00
Probation Granted:	0	0	0		Restitution Fine:		Counseling Ordered:	
Probation Type:					Restitution Fund:	\$0.00	Community Service Hours:	0
Prison Location:					Total:		Action on Driver's License:	
Stayed to:							Action on Bail/Bond:	EXONERATED
Fine Payment Stayed to:								
Sentence Date:								

Sentence Comments

Comment Date	Comment

Events Related to Current Court Case (3 of 3)

Crime Case	Date	Booking Date	DA Case	Date	C/S Court Case	Date	Probation Case	Date

AGENCY CASE NUMBER
NP133957

DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS CASE NUMBER
SR-13-002584-0002

TO: DOJ Alcohol Report Recipient
Novato Police Department
909 Machin Avenue
Novato, CA 94945

FROM: Santa Rosa Laboratory
410 Russell Avenue
Santa Rosa, CA 95403
(707) 570-4000 FAX 570-4010

Forensic Alcohol Analysis

SUBJECT: CHAKA ALI GRAYSON, DL# CA [REDACTED]

OFFENSE DATE: 7/7/2013

At the direction of the submitting agency, only those identified in the mailing address will be allowed access to this case. The submitting agency should notify the lab when the prosecutor's office or others should be included.

SUMMARY:

The blood sample (Item 01_01) of CHAKA ALI GRAYSON contained 0.00% (W/V) alcohol.

The following areas of non-compliance were noted at the time of the analysis:

The sample was in a non-DOJ container.

This sample will be forwarded to the California Department of Justice Toxicology Laboratory for further analysis.

EVIDENCE:

On 7/17/2013, the following evidence was received from [REDACTED] of the Novato Police Department:

Submission 01: One evidence envelope containing one tube of blood from the subject.

Item 01_01: One tube of blood from the subject.

DISPOSITION:

The case evidence will be returned to your agency in the normal course of business.

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice, Bureau of Forensic Services (BFS); (2) I am qualified to engage in forensic alcohol analysis as a Forensic Alcohol Supervisor, Analyst, or as a Trainee under supervision pursuant to Title 17 of the CA Code of Regulations; (3) I performed an analysis of the material described above during the regular course of my duties according to approved laboratory procedures; (4) The recording of the analytical results was done at the time the analysis was performed and included creation of contemporaneous documentation; (5) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record; (6) This laboratory report has been prepared and retained by BFS in the normal course of business according to BFS' regular practices and procedures. This Laboratory is accredited by American Society of Crime Laboratory Directors/Laboratory Accreditation Board

DATE ANALYSIS COMPLETE: 7/24/2013
DATE OF REPORT: 7/26/2013

Technical Reviewer: [REDACTED]
Administrative Reviewer: [REDACTED]

[REDACTED]
Senior Criminalist



CENTRAL VALLEY
TOXICOLOGY, INC.

Case Name:

Grayson,

TOXICOLOGY NUMBER: CVT-13-12949

Specimen Description:

Chaka A.
3.5 ml blood (pink top vial) labeled "Grayson, Chaka; DOB [REDACTED]; 07/08/2013;
(typed time) 0332 hrs; Aborchk; M 0519; (script time) 526 hrs; M:00212154;
V:4000516911; SR-13-002584; Sub #: 01_01; PDNOVA; NP133957; AV; 7/23/13"

Delivered by Federal Express

Date 17-Oct-13

Received by [REDACTED]

Date 17-Oct-13

Request: Abuse Screen

Agency Case # NP13-3957

Requesting Agency

Novato Police Department
Attn: Acct's Payable
909 Machin Ave.
Novato CA 94945

Report To

Detective [REDACTED]
Novato Police Department
909 Machin Ave.
Novato CA 94945

Specimen: Blood Sample

RESULTS

Blood Abuse Screen: Cocaine, Opiates, PCP and Methamphetamine by Immunoassay = Negative

Note: Additional testing available upon request.

B.L. POSEY
S.N. KIMBLE
Directors

1580 Tollhouse Road
Clovis, California 93611
Phone (559) 323-9940
Fax (559) 323-7502

November 04, 2013



CENTRAL VALLEY
TOXICOLOGY, INC.



Case Name:

Kubota,

TOXICOLOGY NUMBER: CVT-13-12485

Evan

K.

7 ml blood (gray top vial) labeled "Kubota, Evan; 7-7-13; 2235 hrs; illegible, illegible;

Specimen Description:

SR-13-002584; Sub #: 4353-5_01; PDNOVA; NP133957; VBU; 08/21/13"

Delivered by Federal Express

Date 17-Oct-13

Received by [REDACTED]

Date 17-Oct-13

Request: Abuse Screen

Agency Case # NP13-3957

Requesting Agency

Novato Police Department

Attn: Acct's Payable

909 Machin Ave.

Novato CA 94945

Report To

Detective [REDACTED]

Novato Police Department

909 Machin Ave.

Novato CA 94945

Specimen: Blood Sample

RESULTS

Blood Abuse Screen: Cocaine, Opiates, PCP and Methamphetamine by Immunoassay = Negative

Note: Additional testing available upon request.



November 04, 2013

B.L. POSEY
S.N. KIMBLE
Directors

1580 Tollhouse Road
Clovis, California 93611
Phone (559) 323-9940
Fax (559) 323-7502

AGENCY CASE NUMBER
NP133957

DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS CASE NUMBER
SR-13-002584-0004

TO: DOJ Alcohol Report Recipient
Novato Police Department
909 Machin Avenue
Novato, CA 94945

FROM: Santa Rosa Laboratory
410 Russell Avenue
Santa Rosa, CA 95403
(707) 570-4000 FAX 570-4010

Forensic Alcohol Analysis

SUBJECT: EVAN K. KUBOTA, DL# CA [REDACTED]

OFFENSE DATE: 7/7/2013

At the direction of the submitting agency, only those identified in the mailing address will be allowed access to this case. The submitting agency should notify the lab when the prosecutor's office or others should be included.

SUMMARY:

The blood sample (Item 4353-5_01) of EVAN K. KUBOTA contained 0.00% (W/V) alcohol.

This sample will be forwarded to the California Department of Justice Toxicology Laboratory for further analysis.

EVIDENCE:

On 8/20/2013, the following evidence was received from [REDACTED] of the Novato Police Department:

Submission 4353-5: One evidence envelope containing one tube of blood from the subject.

Item 4353-5_01: One tube of blood from the subject.

DISPOSITION:

The case evidence will be returned to your agency in the normal course of business.

I, the undersigned, declare under penalty of perjury (1) I am employed by the State of California, Department of Justice, Bureau of Forensic Services (BFS), (2) I am qualified to engage in forensic alcohol analysis as a Forensic Alcohol Supervisor, Analyst, or as a Trainee under supervision pursuant to Title 17 of the CA Code of Regulations; (3) I performed an analysis of the material described above during the regular course of my duties according to approved laboratory procedures; (4) The recording of the analytical results was done at the time the analysis was performed and included creation of contemporaneous documentation; (5) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record; (6) This laboratory report has been prepared and retained by BFS in the normal course of business according to BFS' regular practices and procedures. This Laboratory is accredited by American Society of Crime Laboratory Directors/Laboratory Accreditation Board

DATE ANALYSIS COMPLETE: 8/22/2013
DATE OF REPORT: 8/22/2013

Technical Reviewer: [REDACTED]
Administrative Reviewer: [REDACTED]

[REDACTED]
[REDACTED]
Criminalist

REQUESTING AGENCY CASE NO.
NP13-3957

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
SANTA ROSA CRIMINALISTICS LABORATORY
410 Russell Avenue, Santa Rosa, CA 95403
Phone No. (707) 570-4000 FAX No. (707) 570-4010

BFS CASE NUMBER
SR-13-002584-0001

ATTN: Detective [REDACTED]
Novato Police Department
909 Machin Avenue
Novato, CA 94947

FIELD INVESTIGATION REPORT

SUSPECT: CHAKA GRAYSON

OFFENSE: 245 PC/OIS

VICTIM: NONE LISTED

OFFENSE DATE: 07/07/13

*I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.
Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures.*

At the direction of the submitting agency, only those identified in the mailing address will be allowed access to this case. The submitting agency should notify the laboratory when the District Attorney's Office or others should be included.

BACKGROUND

On July 9, 2013 at approximately 1343 hours, assistance was requested from San Rafael Police Department Sergeant [REDACTED] with the processing of a vehicle related to a Marin County Sheriff's Office (MCSO) officer involved shooting in Marin City. The car had been secured at the Novato Police Department, and response was arranged for July 16, 2013.

The following background information was obtained from Novato Police Department Detective [REDACTED] on July 16, 2013: On July 7, 2013 at approximately 1750 hours, a MCSO Deputy was on patrol in Marin City when he made contact with a light colored Buick Le Sabre on Terners Drive. The Deputy pulled the vehicle over and went to make contact with the driver, Chaka Grayson. The Deputy saw the driver lay down across the front seat as if he were reaching for something. The windows of the vehicle were all up, the Deputy asked the driver to show his hands numerous times, and the driver did not comply. The driver started the vehicle and proceeded to drive toward the Deputy. The Deputy repeatedly told the driver to stop the car. The driver did not stop the car, and the Deputy fired 16 times at the car as it drove past him along Terners Drive toward Donahue Street. The unattended car was recovered 5-10 minutes later on Drake Avenue (approximately 4 blocks from where contact initiated).

FIELD ACTIVITIES

Senior Criminalist [REDACTED] and I responded to the Novato Police Department and arrived at approximately 0755 hours on July 16, 2013. We met with Novato PD Sergeant [REDACTED] and Detectives [REDACTED] and [REDACTED] Novato PD Officers [REDACTED] and [REDACTED]

were also present during the processing of the vehicle. San Rafael PD Sergeant [REDACTED] and CSO [REDACTED] and MCSO Sergeant [REDACTED] were present to observe the processing.

The car, a 1993 light colored Buick Le Sabre with California license plate number [REDACTED] was parked and secured in the Novato PD garage. The vehicle had 9 bullet impacts to the vehicle exterior – one to the trunk, 2 on the roof, and 6 along the driver's side of the vehicle. The two side windows on the driver's side of the vehicle were broken and only small, broken portions of the window remained at the bottom of the two frames. Senior Criminalist [REDACTED] and I numbered the strikes, starting at the rear of the vehicle and moving toward the front driver's side, for reference (our numbers do not refer in any way to shot sequence) and documented the approximate trajectories. The trajectories described below are approximate due to a number of factors including, but not limited to, the moving vehicle, changing shooter position, changing vehicle position, and variable/changing terrain. In addition to these variables, the car had been moved to the Novato PD garage and the driver's side (left) front tire was flat at the time we examined the vehicle.

Hole/ Impact #	Location	Approximate Trajectory
1	Left (Driver's) side of trunk	Back to front of car and left to right (from driver's side to passenger side) with a slight downward angle
2	C post – portion of body/frame behind left side passenger window	Back to front and left to right with a slight downward angle
3	Roof	Back to front and left to right with a slight downward angle
4	Roof (ricochet)	Back to front and left to right
5	Driver's side (left) backseat door	Back to front and left to right with a slight upward angle
6	Driver's door	Back to front and left to right
7	Driver's door at bottom edge of window frame	Approximately perpendicular to the car and from left to right (from driver's side to passenger side)
8	Driver's door – approximate middle above side molding	Approximately perpendicular to door with a slight downward angle and traveling left to right (driver's to passenger side)
9	Driver's door – front, closer to hinge	Front to back and left to right and downward

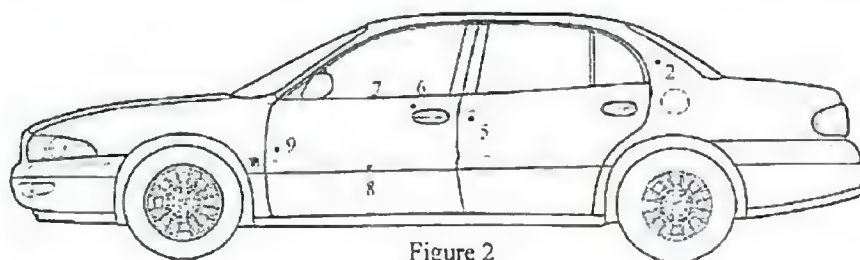
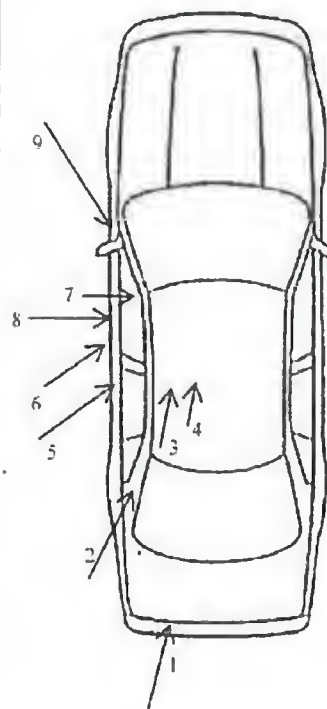


Figure 2

Figure 1



Figures 1 & 2: Illustrations showing some approximate trajectories as well as the approximate impact locations.

In addition to the 9 exterior vehicle impacts described above, there were also 2 impacts to the interior, front passenger door. One of these impacts was initially labeled as 10. After examining impact 7, it was determined

that one or both of the impacts to the interior front passenger door could be related to impact 7 described above. As a result, I left the number in place, but I did not consider it as a separate impact or estimate a trajectory for it.

There was also red-brown staining on the left side of the driver's seat backrest. Senior Criminalist [REDACTED] presumptively tested a portion of the red-brown stain, and it gave a presumptive positive test for blood. We did not collect a portion of the stained seat.

EVIDENCE

The following evidence was submitted to the laboratory on July 17, 2013 by [REDACTED] of the Novato Police Department:

Item 01 One evidence envelope containing one tube of blood from the subject.

The following evidence was generated by Senior Criminalist [REDACTED] on July 17, 2013:

Item GAP1 One CD-R with 74 digital images.

DISPOSITION

The evidence will be held in the laboratory pending release to the Novato Police Department.

Date of Report: October 10, 2013

EXAMINED BY

[REDACTED]
Senior Criminalist

Technical review by: [REDACTED] Date: 10-10-13

Administrative review by [REDACTED] Date: 10/10/13

SLE : sle

REQUESTING AGENCY CASE NO.
NP13-3957

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
SANTA ROSA CRIMINALISTICS LABORATORY
410 Russell Avenue, Santa Rosa, CA 95403
Phone No. (707) 570-4000 FAX No. (707) 570-4010

BFS CASE NUMBER
SR-13-002584-0003

ATTN: Detective [REDACTED]
Novato Police Department
909 Machin Avenue
Novato, CA 94947

FIELD INVESTIGATION REPORT

SUSPECT: CHAKA GRAYSON

OFFENSE: 245 PC/OIS

VICTIM: NONE LISTED

OFFENSE DATE: 07/07/13

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.

Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures

At the direction of the submitting agency, only those identified in the mailing address will be allowed access to this case. The submitting agency should notify the laboratory when the District Attorney's Office or others should be included.

BACKGROUND

On July 31, Detective [REDACTED] called to request assistance with the documentation of additional bullet strikes to the vehicle (light colored Buick Le Sabre). During Novato Police Department's continued documentation of the Buick Le Sabre and its contents, they located at least 1 additional impact inside the back portion of the driver's side front wheel well after the tire was removed. A perforating impact was also located in the front driver's side tire. The car continued to be secured at the Novato Police Department, and response was arranged for August 7, 2013.

FIELD ACTIVITIES

Senior Criminalist [REDACTED] and I responded to the Novato Police Department and arrived at approximately 1015 hours on August 7, 2013. We met with Novato PD Detective [REDACTED] and Officer [REDACTED]. Detective [REDACTED] was also present during portions of the processing.

The car was parked and secured in the Novato PD garage. The front driver's side tire had been removed and a spare (temporary type) was mounted in its place. Additionally, the front end of the car was raised off the ground by a jack. The front driver's side tire had also been cut across the tread/width in order to remove it from the wheel. The tire showed damage to the outward facing (as mounted) portion of the side wall, focused where the tire meets the wheel, as well as a perforating impact through the tire (opposite from where the tire was cut to remove it from the wheel). There are also 2 impacts at the rear of the front driver's side wheel well. One is a dent and the second is a hole that perforates the wheel well and continues through the apparent engine fire wall. Senior Criminalist [REDACTED] and I numbered the strikes, starting with the tire and continuing to inside of the wheel well, for reference only. We continued the numbering from the previous examination of the vehicle (refer to

BFS Santa Rosa Lab report SR-13-002584-0001), and the numbering of the impacts does not in any way refer to shot sequence and is meant for reference only when documenting the approximate trajectories. The trajectories described below are approximate due to a number of factors including, but not limited to, the degree that the tire was turned inside the wheel well, the moving vehicle, changing vehicle position, changing shooter position, and variable/changing terrain. In addition to these variables, the tire and wheel had been removed from the vehicle and could not be remounted due to severe damage to the vehicle's suspension.

Hole/ Impact #	Location	Approximate Trajectory
11	Dent at the rear of the driver's side wheel well	Possibilities vary depending on the tire position and road surface. One possible trajectory is that the bullet struck the tire at the top of its rotation and then the rear of the driver's side wheel well. If the tire was at a different point in its rotation when the bullet struck it, it would not strike the rear of the wheel well.
12	Perforating hole through the front driver's side wheel well and through the apparent engine firewall	Front to back and left to right (driver's side toward passenger side)

Additionally, if the trajectory of the perforating hole in the tire and impact 11 line up, the wheel was turned to the left when the bullet struck the tire at the top of its rotation.

EVIDENCE

The following evidence was submitted to the laboratory on July 17, 2013 by [REDACTED] of the Novato Police Department:

Item 01 One evidence envelope containing one tube of blood from the subject.

The following evidence was generated in the laboratory:

Item GAP1 One CD with 74 digital images.

Item SLE1 One CD with 39 digital images.

DISPOSITION

Item 01 was forwarded via Golden State Overnight to the BFS Toxicology Laboratory On August 6, 2013.

The remaining evidence will be held in the laboratory pending release to the Novato Police Department.

Novato Police Department
NP13-3957

SR-13-002584-0001

Date of Report: October 10, 2013

EXAMINED BY:



Senior Criminalist

Technical review by:



Date: 10-10-13

Administrative review by:

Date: 10/10/13

SLE : sle

REQUESTING AGENCY CASE NO.
NP13-3957

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
SANTA ROSA CRIMINALISTICS LABORATORY
410 Russell Avenue, Santa Rosa, CA 95403
Phone No. (707) 570-4000 FAX No. (707) 570-4010

BFS CASE NUMBER
SR-13-002584-0005

ATTN: Detective [REDACTED]
Novato Police Department
909 Machin Avenue
Novato, CA 94947

PHYSICAL EVIDENCE EXAMINATION REPORT

SUSPECT: CHAKA GRAYSON

OFFENSE: 245 PC/OIS

VICTIM: NONE LISTED

OFFENSE DATE: 07/07/13

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.

Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures. The Department of Justice Laboratory is accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB).

At the direction of the submitting agency, only those identified in the mailing address will be allowed access to this case. The submitting agency should notify the laboratory when the District Attorney's Office or others should be included.

SUMMARY/RESULTS

I examined the Glock pistol (Item 4356-1) and found it to be functional.

I did not examine the following items: 01, 4353-5, 4356-4 through 4356-21, 4551-1, 4551-2, 4551-4, 4551-6, 4551-8, 4551-13, 4551-37, 4551-44, 4551-46, 4580-11, 4580-12, 4580-13, 4580-14, 4580-15, 4580-24, 4580-25, 4580-26, 4580-27, and 4580-28.

Item 01 was analyzed by Senior Criminalist [REDACTED] Refer to BFS report SR-13-002584-0002, dated July 26, 2013, for the results of his analysis.

Item 4353-5 was analyzed by Criminalist [REDACTED] Refer to BFS report SR-13-002584-0004, dated August 22, 2013, for the results of her analysis.

EVIDENCE

The following evidence was submitted to the laboratory on July 17, 2013 by [REDACTED] of the Novato Police Department:

Item 01 One evidence envelope containing one tube of blood from the subject.

8/15/13

The following evidence was submitted to the laboratory on August 20, 2013 by [REDACTED] of the Novato Police Department:

<u>Item 4353-5</u>	"Blood sample from Kubota"
<u>Item 4356-1</u>	One Glock model 22 .40 pistol (SN: [REDACTED]) without magazine.
<u>Item 4356-3</u>	One empty Glock .40 magazine.
<u>Item 4356-4</u>	"casing (NC-4)"
<u>Item 4356-5</u>	"casing (NC-5)"
<u>Item 4356-6</u>	"casing (NC-6)"
<u>Item 4356-7</u>	"casing (NC-7)"
<u>Item 4356-8</u>	"casing, slightly damaged (NC-8)"
<u>Item 4356-9</u>	"casing (NC-9)"
<u>Item 4356-10</u>	"casing (NC-10)"
<u>Item 4356-11</u>	"bullet fragment (NC-11)"
<u>Item 4356-12</u>	"casing (NC-12)"
<u>Item 4356-13</u>	"casing (NC-13)"
<u>Item 4356-14</u>	"casing (NC-14)"
<u>Item 4356-15</u>	"casing (NC-15)"
<u>Item 4356-16</u>	"casing (NC-16)"
<u>Item 4356-17</u>	"casing (NC-17)"
<u>Item 4356-18</u>	"casing (NC-18)"
<u>Item 4356-19</u>	"casing (NC-19)"
<u>Item 4356-20</u>	"casing (NC-20)"
<u>Item 4356-21</u>	"bullet fragment (NC-21)"

Item 4551-1 "round from fnt [sic] pass door..."

Item 4551-2 "round from driver side..."

Item 4551-4 "round from driver side front..."

Item 4551-6 "round from driver side bullet..."

Item 4551-8 "round from inside driver door..."

Item 4551-13 "round from drivers [sic] side rear..."

Item 4551-37 "round located in white hard..."

Item 4551-44 "round found on orange vest..."

Item 4551-46 "round from driver side rear..."

Item 4580-11 "copper jacket from trunk side"

Item 4580-12 "2 pieces of copper jacket..."

Item 4580-13 "cloth from drivers [sic] seat back..."

Item 4580-14 "cloth lower left setbottom [sic]..."

Item 4580-15 "copper jacket from drv [sic] seat..."

Item 4580-24 "control swab with water"

Item 4580-25 "dna [sic] swab drv [sic] door panel blood..."

Item 4580-26 "dna [sic] swab rocker panel front..."

Item 4580-27 "dna [sic] swab drivers [sic] scat plastic..."

Item 4580-28 "round from frontps [sic] floorboard"

The following evidence was generated in the laboratory:

Item GAP1 One CD with 74 digital images.

Item SLE1 One CD with 39 digital images.

Item SLE2 One CD with 15 digital photos

Item 4356-1 TF Six bullets and 6 cartridge cases test-fired in Item 4356-1 (Glock model 22 .40 pistol with SN: [REDACTED])

EXAMINATION

I examined the Glock pistol (Item 4356-1) and I found it to be functional. I fired the pistol 6 times using the submitted magazine (Item 4356-3) with Marin County Sheriff's Office duty ammunition, and the pistol functioned in a semiautomatic fashion.

I retained the 6 bullets and 6 cartridge cases I fired in Item 4356-1 and designated them as Item 4356-1 TF. I did not intercompare the test fired bullets or cartridge cases. I also did not compare the test fired components to any of the submitted Items.

DISPOSITION

22 cartridges of Marin County Sheriff's Office duty ammunition were provided to the laboratory for test firing and use in the laboratory. The ammunition was not assigned an item number and has been retained by the laboratory.

Item 01 was forwarded via Golden State Overnight to the BFS Toxicology Laboratory On August 6, 2013.

Item 4353-5 was forwarded via Golden State Overnight to the BFS Toxicology Laboratory On August 22, 2013.

The remaining evidence will be held in the laboratory pending release to the Novato Police Department.

Date of Report: October 29, 2013

EXAMINED BY [REDACTED]

Senior Criminalist

Technical review by: [REDACTED]

Date: 11-1-13

Administrative review by: [REDACTED]

Date: 11-8-13

SLE : sle



BVB & ASSOCIATES
Expert Witness & Consulting Services
Police Practices & Use of Force

1415 Fulton Rd., #205-D13, Santa Rosa, CA 95403
Phone: (707) 529-8246 Fax: (707) 525-1273
E-Mail: [REDACTED]

I. QUALIFICATIONS

My name is [REDACTED]. I am a retired City of Santa Rosa (CA) Police Officer. I am a recently retired Adjunct Faculty Member with the Santa Rosa Junior College. I am currently the owner of BVB & Associates Expert Witness and Consulting Services.

I am an expert and consultant in the field of Law Enforcement, Police Officer Defensive Tactics, Police Officer Safety, Police Officer Tactics and Police Officer Use of Force. I spent twenty-nine (29) years working as a Peace Officer and Field Instructor. I have spent over thirty-four (34) years as an Educator in the field of Law Enforcement.

From 1975 to 1976, after graduating college, I was a Police Officer with the Ocean City Police Department located in Ocean City, Maryland. I was also a Deputy Sheriff with the Arlington County Sheriff's Department located in Arlington County, Virginia.

From 1976 to 1982, I was employed as a Police Officer with the United States Park Police, a branch of the United States Department of the Interior. I was assigned to the Washington D.C. and San Francisco, CA field offices. I worked as a Patrol Officer with special assignments at various times. These special assignments included Defensive Tactics Instructor, Field Training Officer, Detective and Undercover Investigator on a joint municipal/federal drug task force.

From 1982 to 2004, I was employed as a Police Officer with the Santa Rosa Police Department. I worked as a Patrol Officer with special assignments at various times. These special assignments included Defensive Tactics Instructor, SWAT Team Leader, SWAT Team Member, Field Training Officer, Property Crimes Detective, Narcotics Detective, Street Crimes Officer, Motorcycle Officer, Patrol Team Leader and President of the Santa Rosa Police Officers' Association.

Since 1978, I have taught hundreds of courses in Weapons, Defensive Tactics and Officer Safety to numerous municipal, county, federal and private agencies.

Since 1979, I have taught hundreds of courses at the Santa Rosa Junior College in the Administration of Justice Department. I have provided education and training in various police related courses. These courses include Use of Force, Impact Weapons, Chemical Agents, Responding to Active Shooter Incidents, SWAT Team Member Selection and Training, SWAT Team Operations, Managing Civil Disobedience,

Weapons Laws, Interviewing/Interrogation Techniques, Introduction to Criminal Justice, Criminal Procedures, Search Warrant Preparation and Service, Expandable Baton, Less Lethal Munitions, Dispute Resolution and Introduction to Patrol.

I have provided expert witness and consulting services in over eleven (11) Officer Involved Shooting Investigations.

I have qualified as an expert witness in both United States District Court and California Superior Court in the areas of Use of Force, Crowd Control and Police Practices.

II. SCOPE OF ENGAGEMENT

The Novato Police Department and the Marin County District Attorney's Office have asked me to review the investigation regarding Marin County Sheriff's Deputy Evan Kubota and the shooting he was involved in on July 7, 2013. I have been asked to determine if the shooting of Chaka Grayson was reasonable and within current standards of Police Practices and Training.

I have agreed to address these issues and I offer my opinions.

III. OPINIONS AND CONCLUSIONS

I have reviewed the following materials:

- ❖ California Penal Code Section 835a
- ❖ *Graham v Conner* (490 U.S. 386 [1989])
- ❖ California Peace Officer Standards and Training Commission Basic Academy Learning Domain #20 Use of Force
- ❖ Novato Police Department Case #13-3957 that included narratives, supplements, crime scene diagrams, crime scene photos, involved subject photos, California DOJ supplemental reports, witness interviews, involved officer interview video, interview transcriptions, involved vehicle photos, computer generated diagrams, reconstruction photos, etc.
- ❖ Vehicle reenactment photos taken August 20, 2013
- ❖ California Department of Justice Field Investigation Report dated October 10, 2013 and authored by Senior Criminalist [REDACTED] documenting her findings on the investigation she conducted on July 9, 2013
- ❖ California Department of Justice Field Investigation report dated October 10, 2013 and authored by Senior Criminalist [REDACTED] documenting her findings on the investigation she conducted on July 13, 2013

- ❖ California Department of Justice Physical Evidence Examination Report dated October 29, 2013 and authored by Senior Criminalist [REDACTED] documenting her findings on the investigation she conducted regarding the Glock pistol used by Deputy Kubota.

Based upon my review of the materials and my training and experience as a Police Officer at the Federal and Municipal levels for 29 years; my work as an expert witness on police practices and use of force cases for 18 years; my work as a physical skills and classroom instructor on the use of force and laws of arrest for 34 years; my work as a SWAT Team Leader for 16 years; my work as a SWAT team member for 20 years; I have reached the following opinions and conclusions beyond a reasonable degree of professional certainty.

Issue: Was the level of force used by Deputy Kubota in his attempt to arrest Chaka Grayson reasonable?

Opinion: Yes

- 1) This was a lawful detention. Deputy Kubota had a legal right to detain Chaka Grayson to investigate a 14601vc violation. Deputy Kubota was also aware that Chaka Grayson was on parole. Deputy Kubota was driving a marked patrol vehicle with its emergency lights activated. Deputy Kubota was wearing a clearly marked and recognizable Marin County Sheriff's Patrol Deputy uniform.
- 2) Deputy Kubota exited his patrol vehicle to approach Chaka Grayson. The position of the patrol vehicle put Deputy Kubota in a compromised tactical position. When Deputy Kubota exited his patrol vehicle, his driver's door was facing Grayson's vehicle. This vehicle position made it very difficult to use the patrol vehicle as protection or cover.
- 3) Chaka Grayson's actions (changing seat positions, exiting the vehicle, lying across the front seat out of sight of the Deputy) were certainly suspicious and justifiably raised Deputy Kubota's officer safety concerns. Deputy Kubota was justified in drawing his firearm in response to Grayson's actions.
- 4) Deputy Kubota approached Grayson's vehicle with his firearm drawn and began to issue lawful verbal commands to Grayson. Grayson refused to comply with Deputy Kubota's commands. Grayson started the car's engine while his body and hands were still out of sight of Deputy Kubota.
- 5) Deputy Kubota continued issuing lawful commands to Grayson. Deputy Kubota addressed Grayson by name and ordered Grayson to show his hands and turn off the car. Grayson continued refusing to comply.

6) Deputy Kubota positioned himself in front of Grayson's driver's door. Deputy Kubota addressed Grayson by name and continued to lawfully order Grayson to show his hands and stop the vehicle. Grayson continued refusing to comply.

7) Grayson sat up in the driver's seat of the car, put the car in drive, turned the steering wheel to the left towards Deputy Kubota and accelerated forward colliding with the vehicle parked in front of him. Deputy Kubota was forced to step back to avoid being hit by Grayson's vehicle. Deputy Kubota had eye contact with Grayson and while pointing his firearm at Grayson continued to lawfully order Grayson to shut the car off.

8) Grayson continued to ignore Deputy Kubota's lawful commands to stop the vehicle. Grayson put the vehicle in reverse, accelerated and struck the curb while he was backing up.

9) When Grayson backed his vehicle into the curb, Deputy Kubota was standing within 3 feet of the left front end of Grayson's vehicle. Deputy Kubota stated that Grayson was looking directly at him.

10) Grayson accelerated his vehicle towards Deputy Kubota. Deputy Kubota felt he was in imminent danger of serious bodily injury or death. Deputy Kubota stepped back to avoid being struck by Grayson's vehicle. Deputy Kubota began to shoot at Grayson to stop Grayson's assault.

11) Deputy Kubota stated he feared for his life when he fired 16 rounds at Grayson.

12) The crime scene processing of Grayson's vehicle showed a round fired by Deputy Kubota entered the sidewall of the left front tire and struck the left front wheel well. Trajectory rods were used to capture the angle from which this round was fired. The trajectory rod showed that Deputy Kubota was positioned slightly behind the driver's side front end of the vehicle but in front of the left front tire when the round was fired. (Officer [REDACTED] photos 0066, 0087, 0091, 0092, 0093, taken August 20, 2013) This evidence shows that Deputy Kubota was in an extremely hazardous position when he fired at Grayson.

13) CA penal code section 835a states:

"Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, prevent escape or to overcome resistance."

"A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."

14) In this situation, Grayson was armed with a motor vehicle. Lesser force options were not reasonable or appropriate to stop Grayson's assault.

15) *Graham v Connor* (490 U.S. 386 (1989)) establishes the reasonable force standard. Deputy Kubota has stated that the assault by Grayson with the motor vehicle caused Deputy Kubota to fear for his life. In this situation, it is my opinion that any reasonable officer would have felt in imminent danger of serious bodily injury and or death. Deputy Kubota fired 16 rounds at Grayson to stop Grayson's assault. It is my opinion that a reasonable officer in a similar situation would have also utilized deadly force in an attempt to stop a life threatening assault.

16) California P.O.S.T. Basic Academy Learning Domain #20 describes, "*A subject's requirement to submit to arrest without resistance.*" In this situation, Grayson was required by law to submit to Deputy Kubota's attempts to arrest him.

17) Numerous witnesses have made similar statements regarding how rapidly the shots were fired. The witnesses have stated that the gunshots started and stopped within seconds. No witness has described lapses of time when the gunshots started, to when the gunshots stopped. Deputy Kubota stated that he was surprised when he realized he had fired all of the rounds in his pistol. Deputy Kubota's shell casings on the scene indicate that all 16 rounds were fired from the immediate vicinity of where the initial vehicular assault took place.

18) Deputy Kubota stated that he continued firing at Grayson even when Grayson drove past him. Deputy Kubota stated that he was still in fear for his life and Grayson could have reversed the vehicle and continued his assault. It should be noted that during Grayson's assault on Deputy Kubota, Grayson was armed with a motor vehicle. Every round fired by Deputy Kubota was while Grayson was still armed with the motor vehicle.

19) Novato Police Sgt. [REDACTED] conducted a non-scientific test using the same make and model firearm used by Deputy Kubota (Glock semi auto pistol model #22). Sgt. [REDACTED] also used the same type of ammunition Deputy Kubota was carrying in his Department issued pistol. Sgt. [REDACTED] timed how long it took for himself and other Officers to fire 16 rounds out of a Glock Model #22. Sgt. [REDACTED] experiment revealed that the average time it took to fire 16 rounds was approximately 4 seconds.

20) On 9/28/13, Detective [REDACTED] and I did a crime scene walkthrough in the 100 block of Terners Blvd. Detective [REDACTED] showed me the locations from where witness [REDACTED] had viewed the incident. The first position was when [REDACTED] saw Deputy Kubota approaching Grayson's parked car. In this position [REDACTED] was a half a block away, standing on the sidewalk on the same side of the street as Grayson's car was parked. I noted low hanging tree branches and a large apartment complex sign that blocked Detective [REDACTED] and my line of sight to the shooting scene. There was also a car parked in the same vicinity as the Oldsmobile Intrigue that Grayson collided with when he attempted to flee the scene. The position of the parked car also blocked our line of sight to the shooting scene.

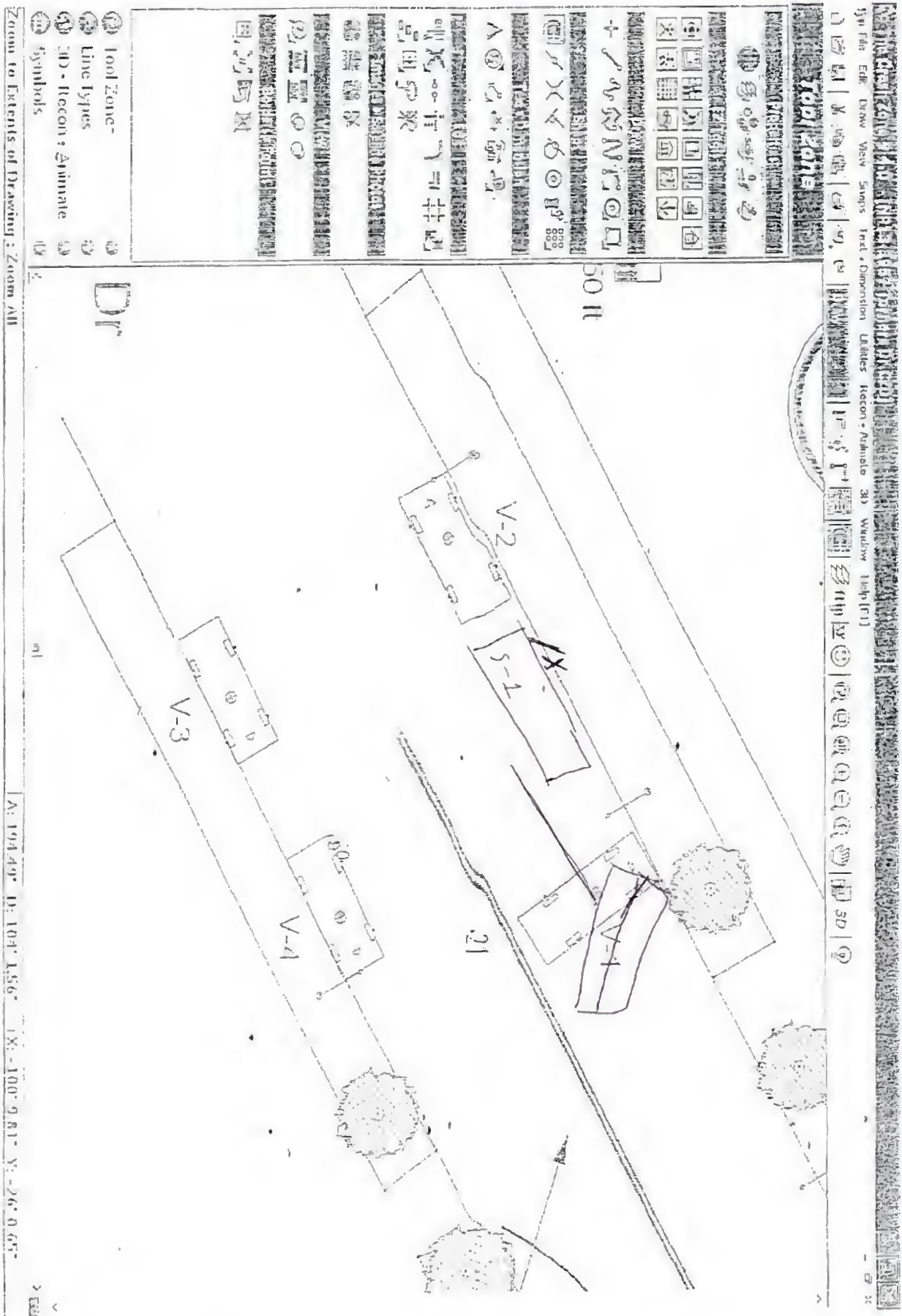


Owner, BVB & Associates

11/20/2013

Dated

SI 13-10 INTERVIEW



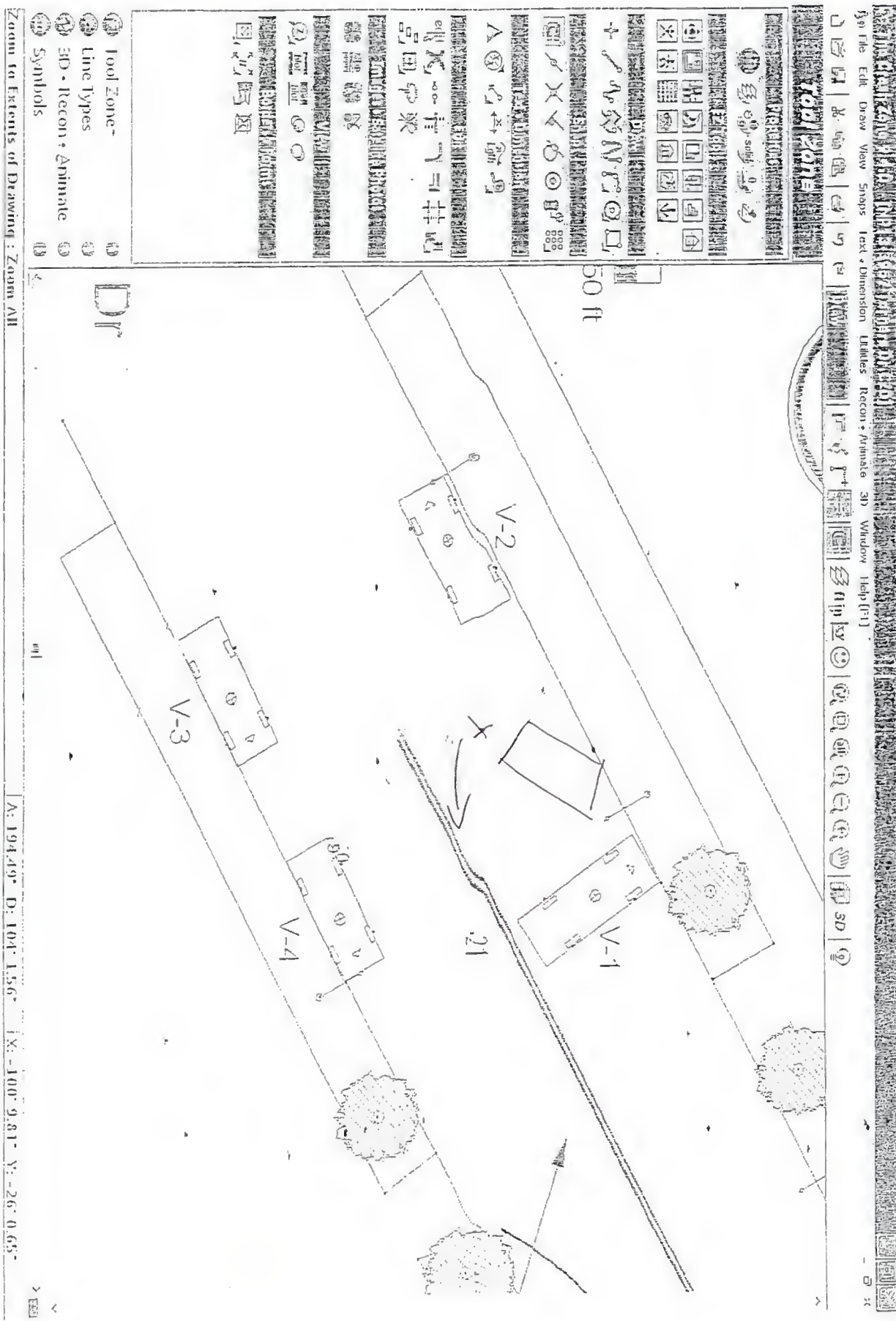
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PRE-SHOOT

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INTERVIEW 01-81. I?

SI 13-10 INTERVIEW



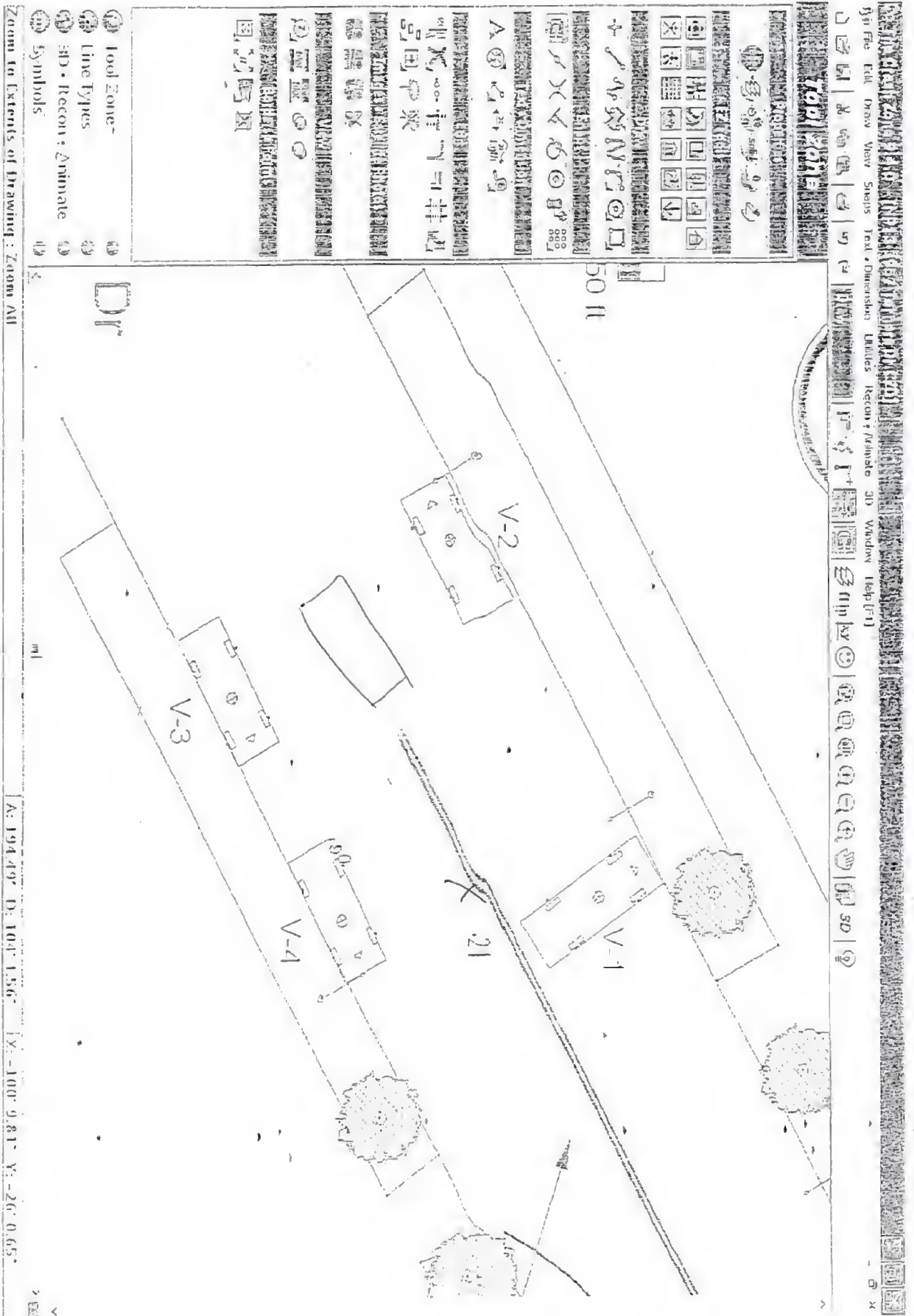
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SECRET 13-10 INTERVIEW

SI 13-10 INTERVIEW



LAN SHOT

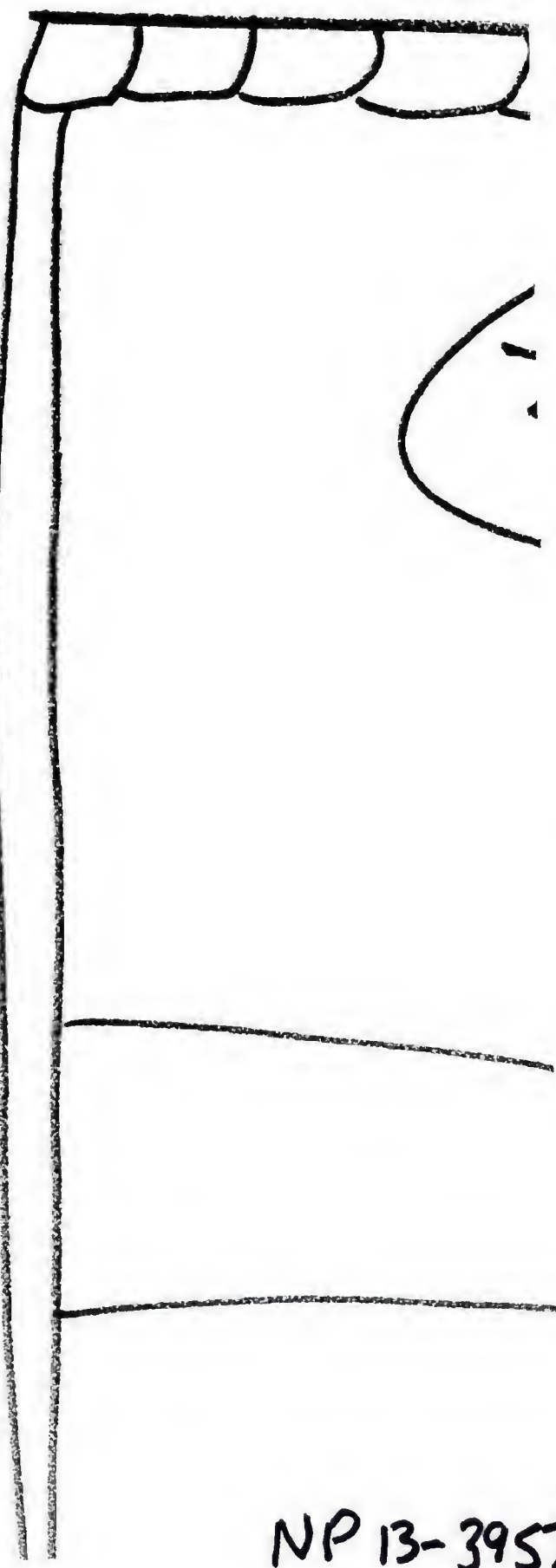
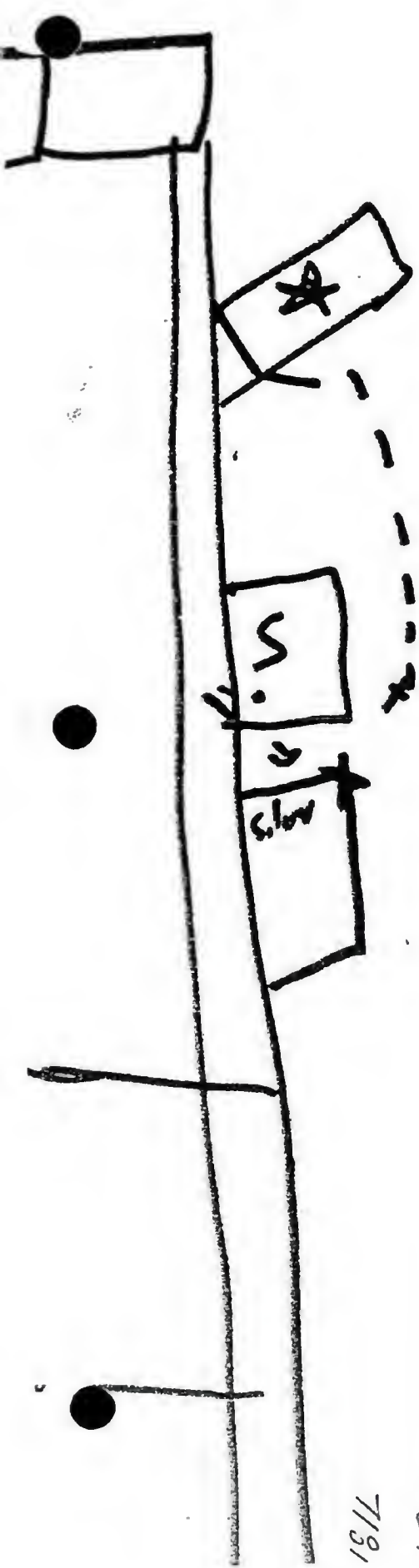
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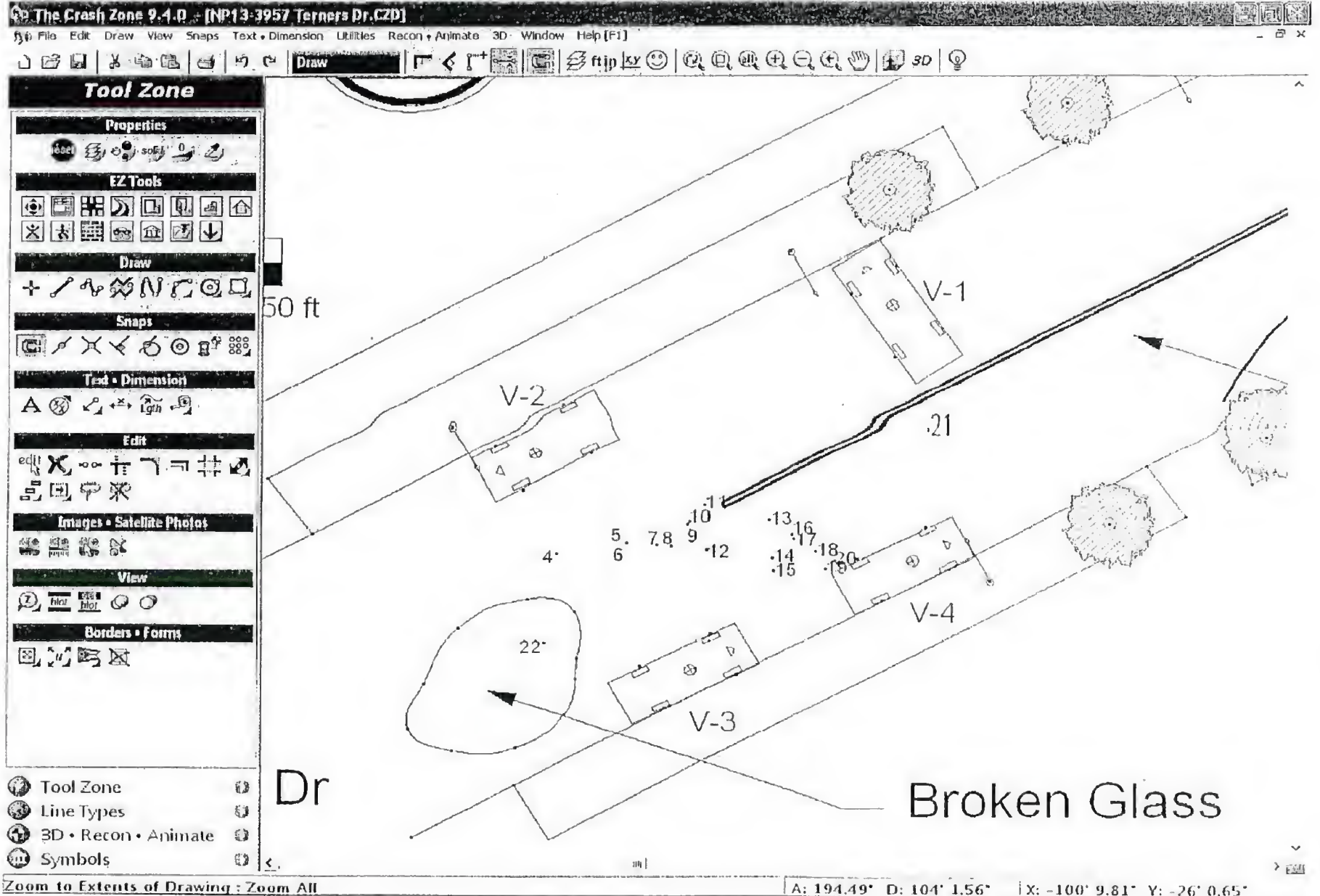
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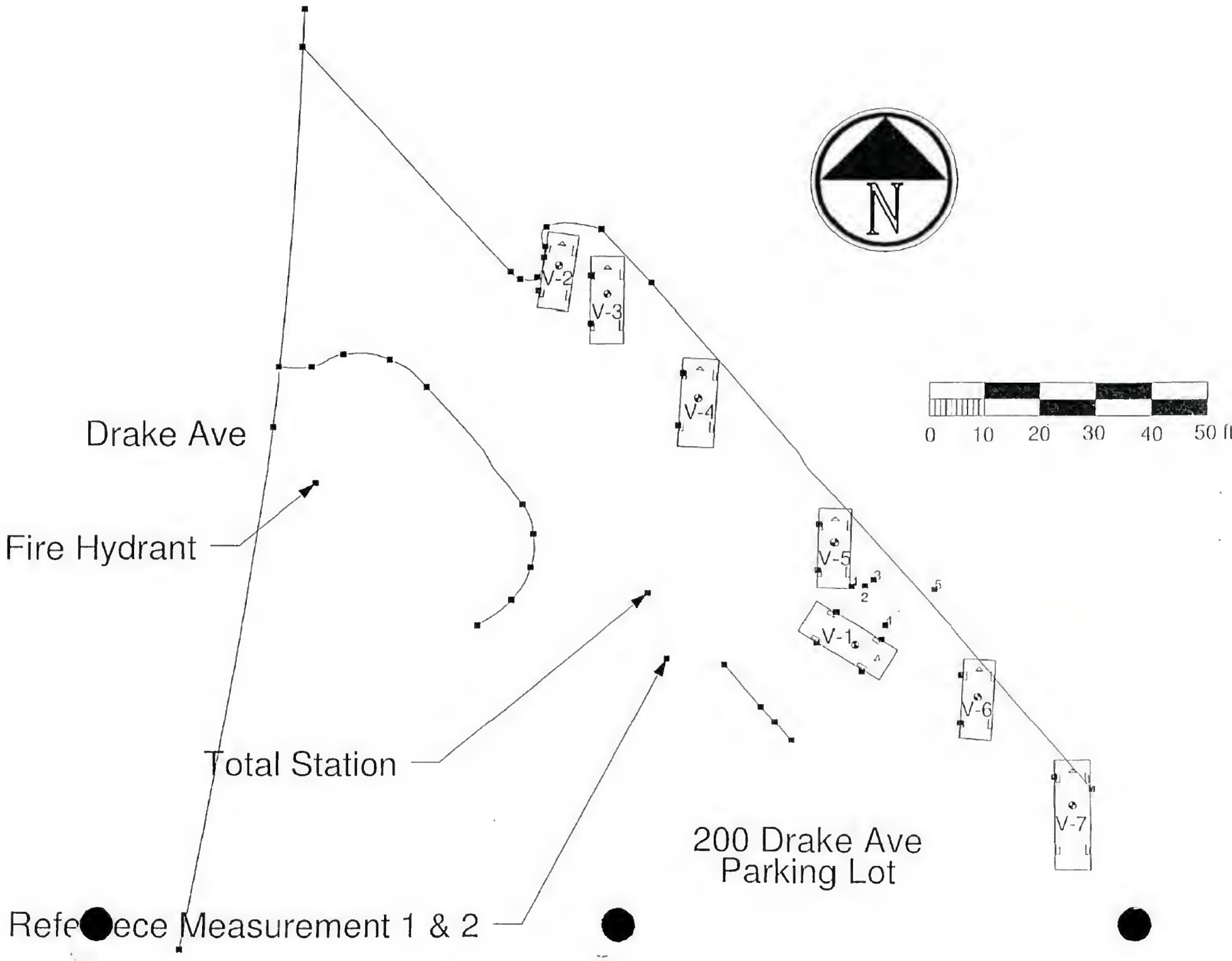
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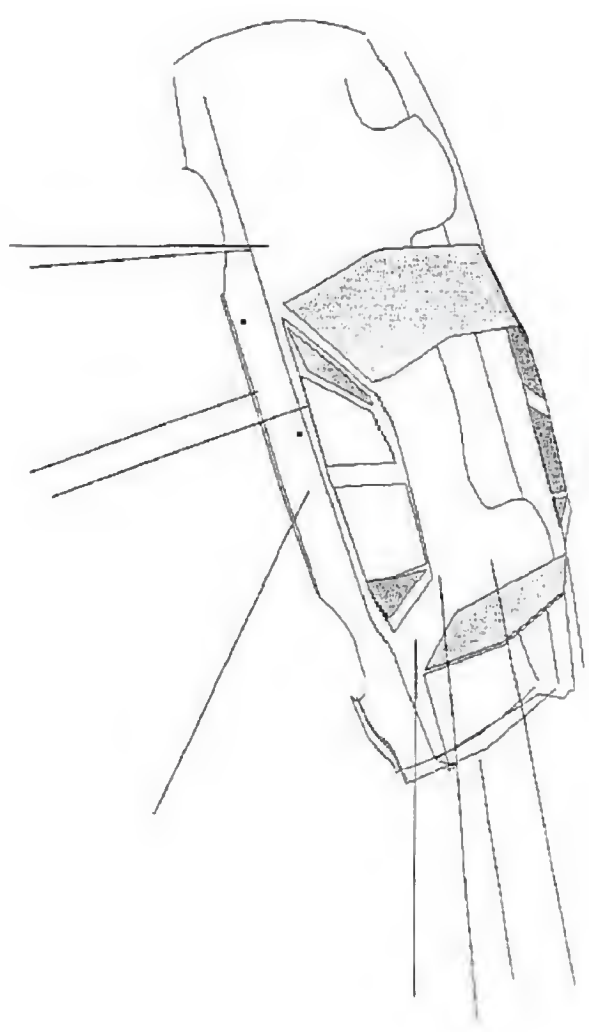
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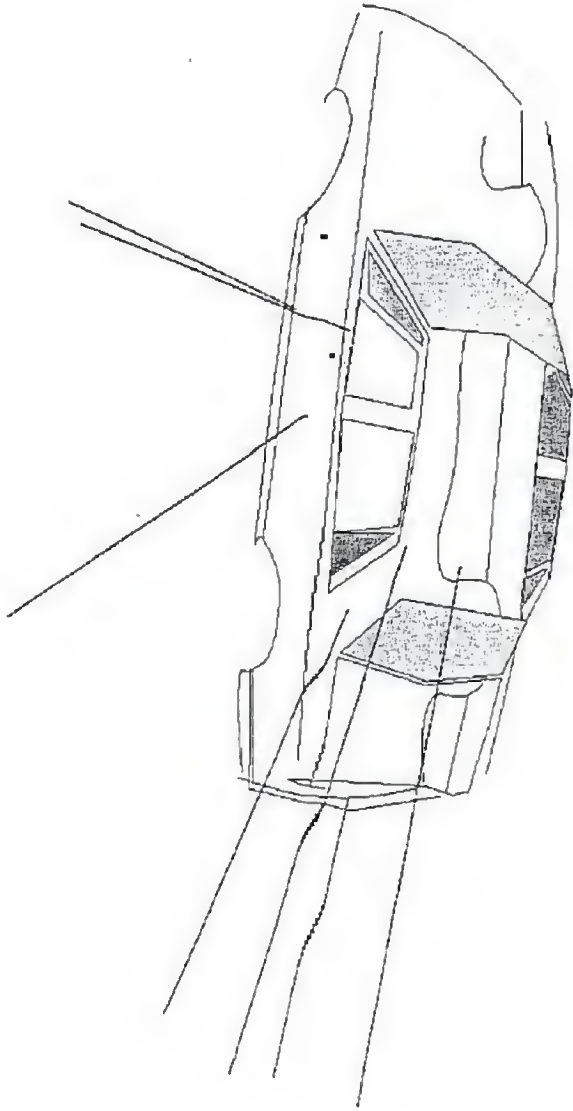
Item	Description
V-1	2009 Ford Crown Victoria Police, Unit #09-27, Lic# [REDACTED]
V-2	2002 Oldsmobile Intrique, Lic [REDACTED]
V-3	2002 Honda Accord, Lic# [REDACTED]
V-4	1999 Infiniti Q45, Lic# [REDACTED]
4	Casing
5	Casing
6	Casing
7	Casing
8	Casing, slightly damaged
9	Casing
10	Casing
11	Bullet Fragment
12	Casing
13	Casing
14	Casing
15	Casing
16	Casing
17	Casing
18	Casing
19	Casing
20	Casing
21	Bullet Fragment
22	Broken Glass
23	Concrete Rock

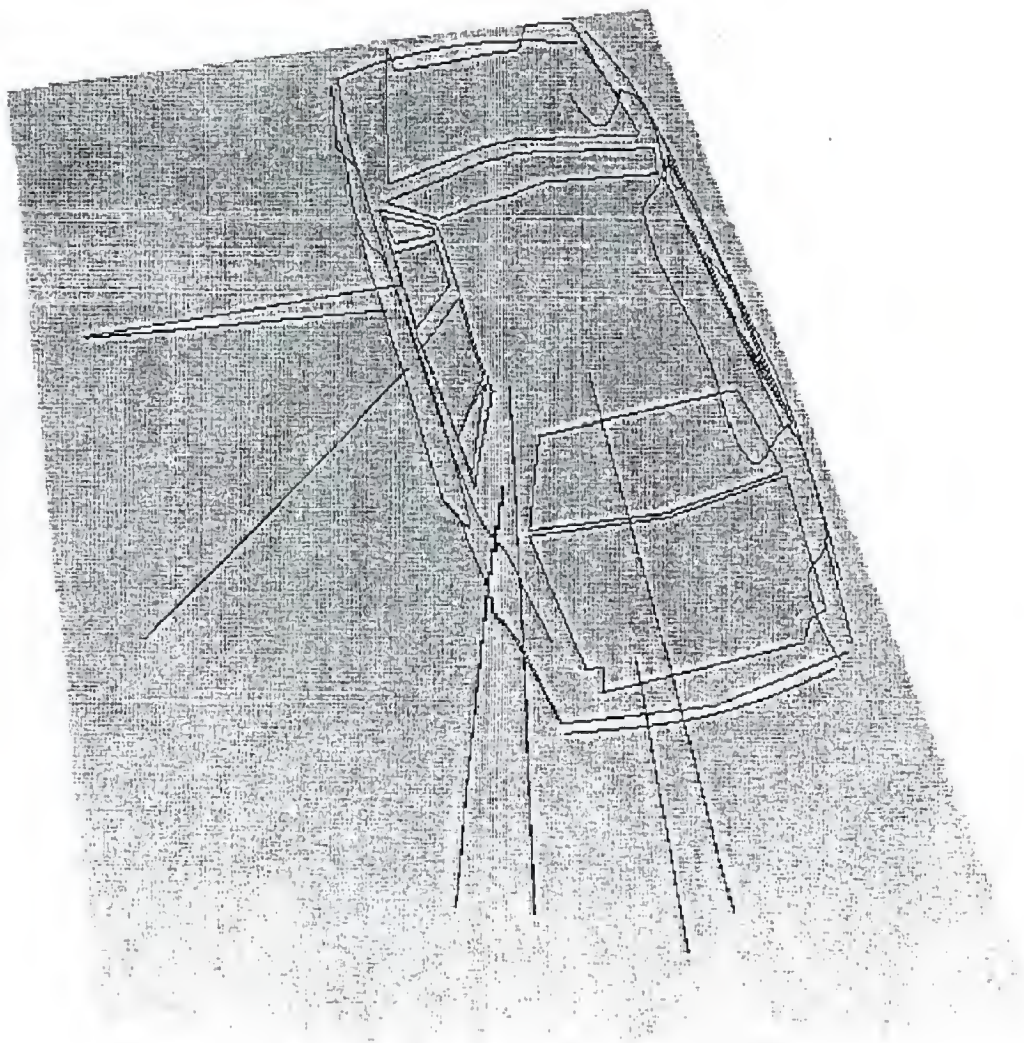


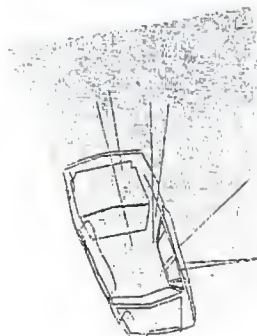
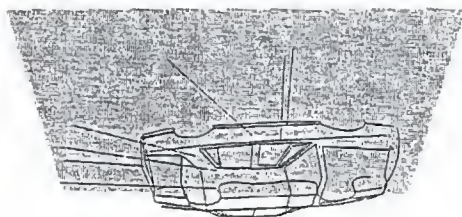
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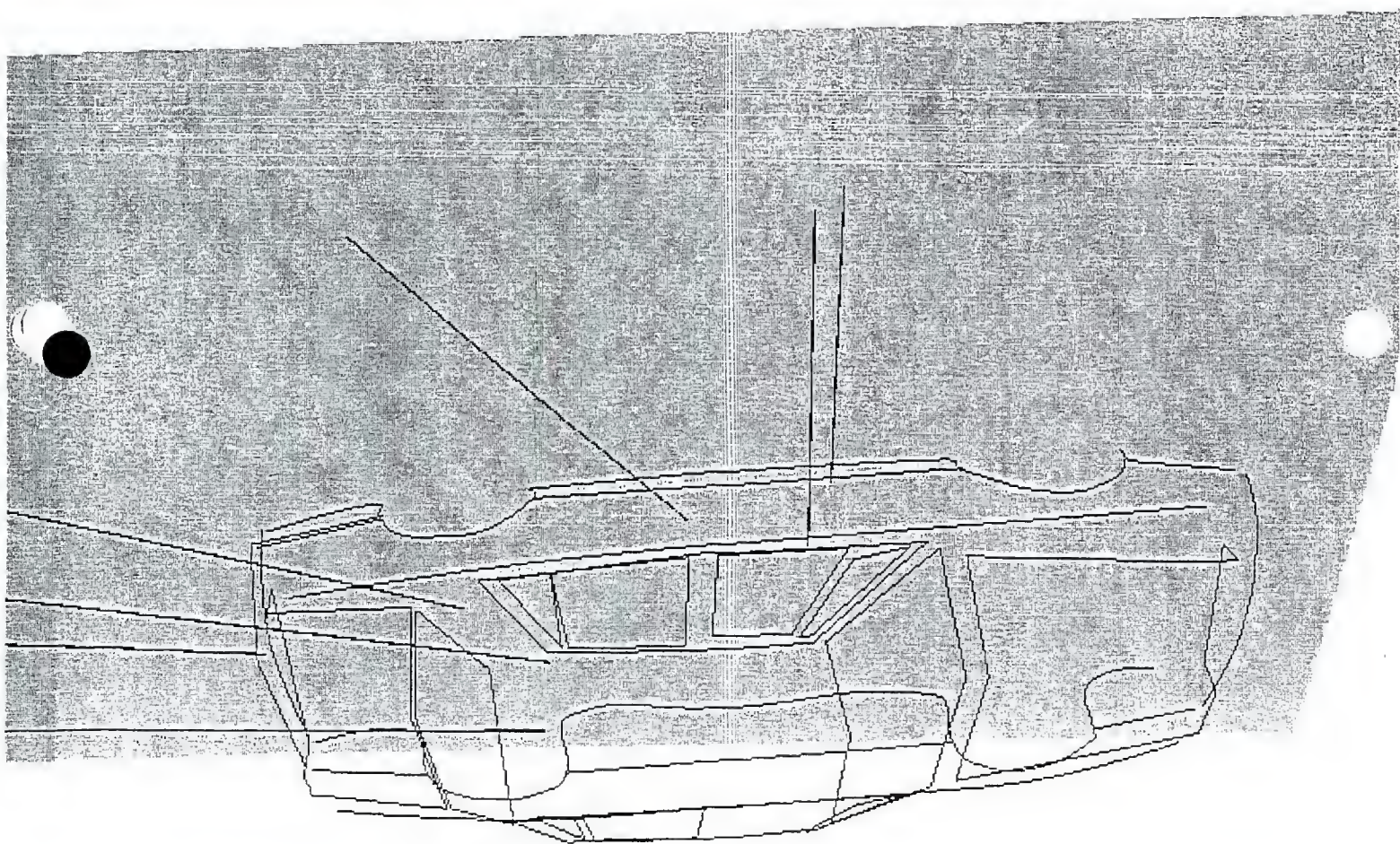
Item	Description
V-1	1993 Buick LeSabre, Lic# [REDACTED]
V-2	1999 Suzuki Esteem, Lic# [REDACTED]
V-3	2010 Toyota, Lic# [REDACTED]
V-4	2005 Chevy Astro Van, Lic# [REDACTED]
V-5	1994 Honda Civic DX, Lic# [REDACTED]
V-6	2000 Honda CRV, Lic# [REDACTED]
V-7	1997 Chevrolet 1500 Pickup, Lic# [REDACTED]
1	Blood Droplet
1	Blood Droplet
3	Blood Droplet
4	Blood Droplet
5	Blood Droplet

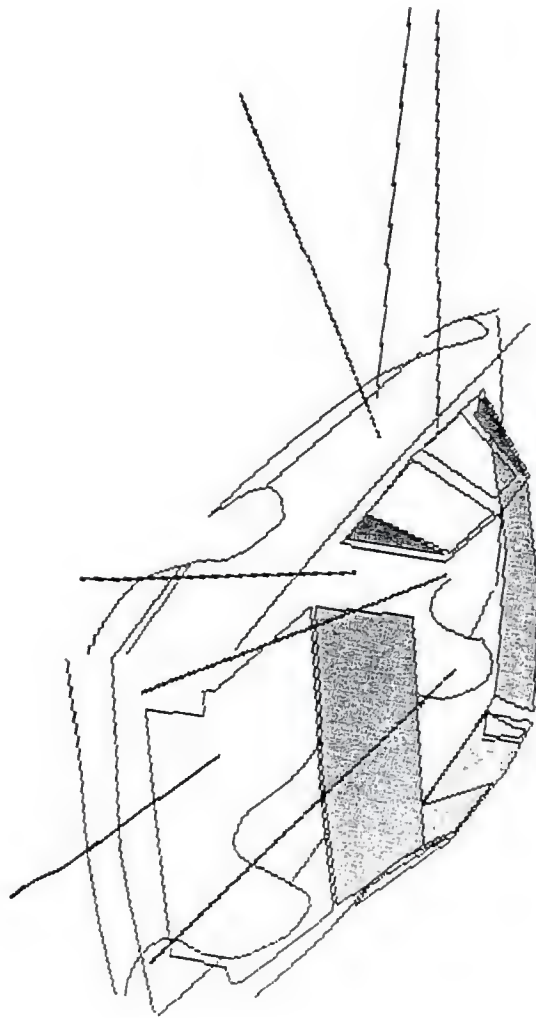


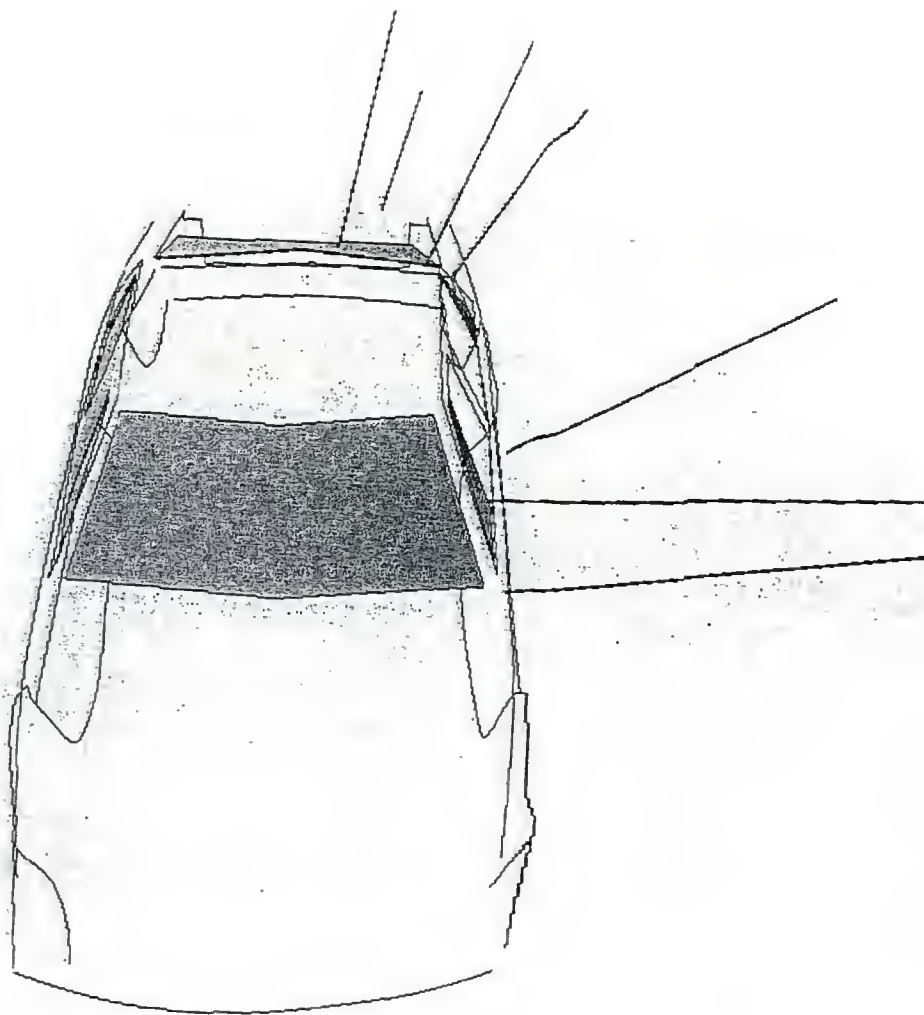


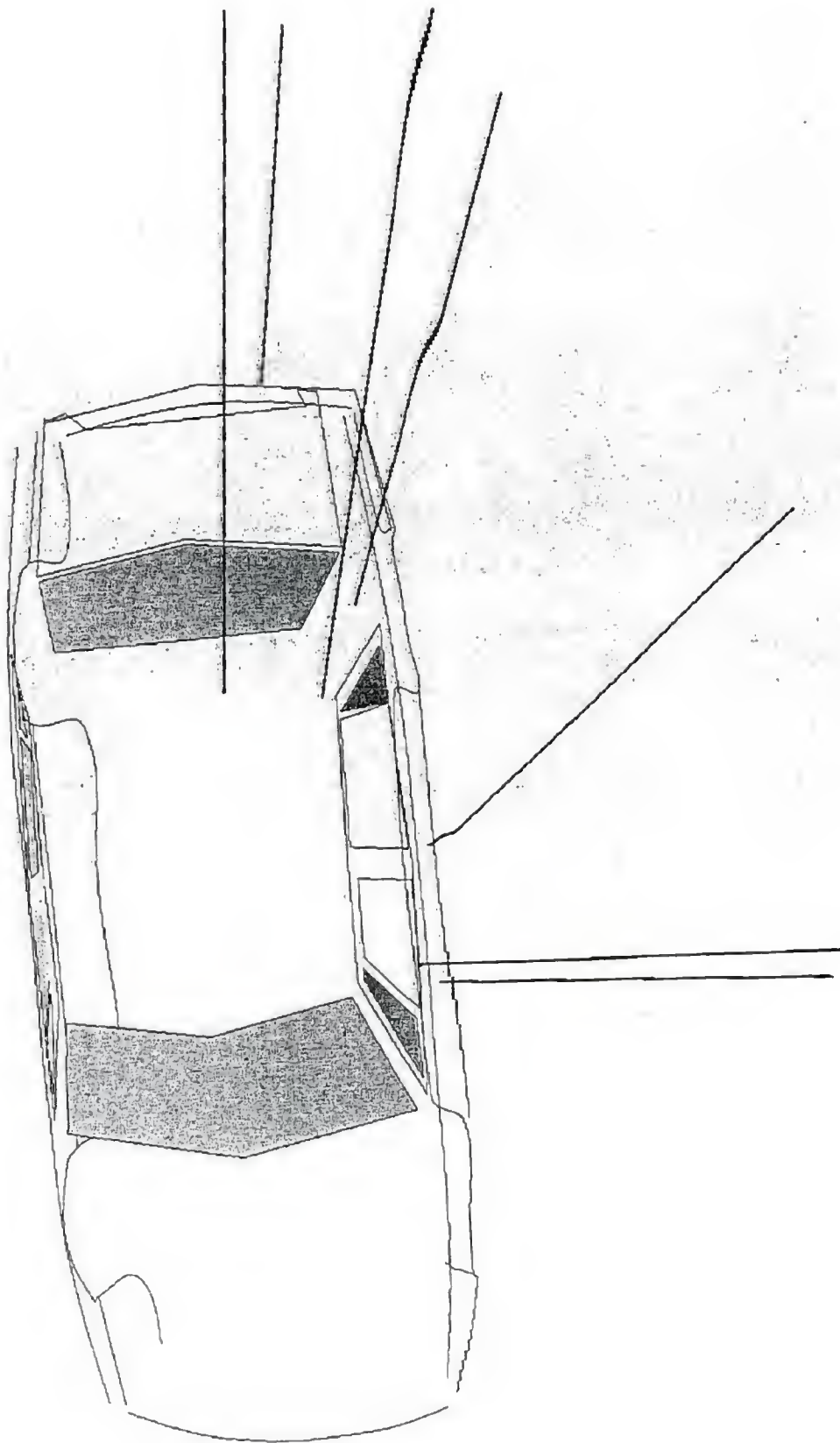












MS 18

LAW OFFICE OF JOHN L. BURRIS

7677 Oakport Street Suite 1120 Oakland, Ca. 94621 (510)839-5200 www.johnburrislaw.com

10/21/13

Marin County Sheriff
3501 Civic Center Drive #145
San Rafael, California 94903

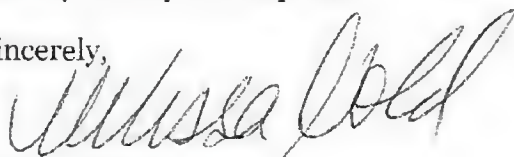
To whom it may concern:

Chaka Grayson was involved in an incident with your department on 7/7/2013. Chaka Grayson has retained the Law Office of John L. Burris to handle all civil litigation related to this incident.

We are requesting that you immediately comply with your legal obligation to preserve any and all information related to the incident on 7/7/2013, involving Chaka Grayson. This request includes but is not limited to the preservation of: written documentation, reports, use and escalation of force policies (including lethal and non-lethal force), officer training and certification documentation for the use of lethal and non-lethal force (including but not limited to K9, tasers, pepper spray, tear gas, firearms, rubber projectiles, bean bag projectiles, batons, asps and handcuffs), Officer training and certification for K9 handling, K9 incident reports, search and arrest warrants, DMV records, employee disciplinary records, witness information, internal investigative reports, dispatch recordings, blood samples, breathalyzer or other blood alcohol testing records, field chemical identification results, laboratory chemical identification reports, photos, all physical evidence, use and maintenance records for human sensory enhancing technology (including but not limited to, GPS, heat sensing devices, surveillance video, surveillance camera, and signal intercepting devices), all forensic evidence, video surveillance from businesses adjacent to the incident, dash camera footage, in-vehicle recording devices, personal (officer) recording devices, records of outside agency assistance and maintenance records related to any equipment used during the incident on 7/7/2013.

We appreciate your compliance in upholding your obligatory legal requirements and thank you for your cooperation.

Sincerely,



Melissa Nold,
Law Clerk

THE LAW OFFICE OF JOHN L. BURRIS

RECEIVED
OCT 22 2013
MARIN COUNTY SHERIFF'S OFFICE
SAN RAFAEL, CA 94903

1821

THE INFORMATION REQUESTED IN THIS MEMO MUST BE PROVIDED TO THIS
OFFICE WITHIN 25 DAYS (12/17). 12/20

COUNTY OF MARIN
CLAIM INFORMATION REQUEST

DATE:

11/22/13

TO:

[REDACTED], Sheriff's Office

FROM:

[REDACTED] ADMINISTRATIVE ASSISTANT
COUNTY COUNSEL'S OFFICE [REDACTED]

RE:

CLAIMANT: CHAKA GRAYSON CLAIM NO.: 43-0009

The attached claim, filed against the County of Marin, alleges that your department was involved in the incident that led to the claim. At this point, the only information we have is that provided in the claim. The information you supply will be forwarded to the County's claims adjusting firm, [REDACTED], and a representative from that office may be following up to obtain further information. We believe that the information provided will be privileged as attorney-client information.

Please have the appropriate person review the claim and provide the following information and materials to help us begin our investigation of the claim:

Does this involve the Marin County Task Force? If so, please notify the Task Force's insurer and copy us with correspondence.

Does this involve any potential issues or claims of medical negligence, e.g., failure to obtain treatment or providing treatment negligently, etc.?

A complete description of the occurrence with special attention to details of the incident including those that differ from the allegations presented in the claim.

Obtain and provide a copy of any and all video/audio surveillance, including booking video.

Mug Shot of Claimant (color please)

Sobriety Cell Log, if applicable

Property List

Medical Records

Names and phone numbers of persons that may have witnessed or may have been involved in the alleged incident/event.

IT IS CRITICAL THAT ALL EVIDENCE RELATING TO THE CLAIMANT OR THE CLAIM, INCLUDING ANY VIDEO OR AUDIO TAPES, EMAIL AND OTHER CORRESPONDENCE, AND ALL ITEMS NOTED ABOVE BE RETAINED UNTIL COUNTY COUNSEL ADVISES THE SHERIFF'S OFFICE THAT ALL POTENTIAL LITIGATION EITHER IS TIME-BARRED OR HAS CONCLUDED.

Please call me at [REDACTED] if you have any questions. Thank you for your assistance.

Cc:

[REDACTED]

Claim Form

County of Marin

Name: First: Chaka Grayson	Race: African American	Date of Birth: 3/9/1969
Address City Zip [REDACTED]	Contact Phone:	Work Phone:
Person/Supervisor Receiving Complaint:	Badge #:	Date:

Complete this portion if complainant is a minor or being assisted by another

Name: First, Middle, Last The Law Office of John L. Burris	Relationship to complainant: Attorney
Address State Zip 7677 Oakport Avenue Suite 1120 Oakland Ca. 94621	Phone: (510)839-5200

Location of incident:
Turner Drive, Marin City, California.

Identify of involved personnel

Badge No.	Name/Vehicle No., etc.	Sex
Deputy Sheriff Evan Kubato		
Narrative of incident: Please see attached		
Were you injured? Yes, please see attached claim		
Witness names: (First, Middle, Last) To be determined	Address:	Phone:

I have read and understood this statement, which I have made of my own free will, and the facts contained therein are true and correct to the best of my knowledge.

Complainant's Signature:

Melissa Nold, Law Clerk,
The Law Office of John L. Burris

Date: 11/11/13

Check all Categories that Apply:	Complaint Received by:	Date Received:
<input type="checkbox"/> Force <input type="checkbox"/> Conduct <input type="checkbox"/> Untruthfulness <input type="checkbox"/> Procedure <input type="checkbox"/> Bias/Discrimination <input type="checkbox"/> Other _____	<input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Walk-in Intake officer/Personnel:	

RECEIVED
MARIN COUNTY
BOARD OF SUPERVISORS
2013 NOV 13 PM 2:40

ATTACHMENT "A"

Claimant objects to your Claim Form because it requires information which constitutes an invasion of the Claimant's privacy. Moreover, the information is not required to be provided by the Claimant under California Government Code Section 910. For example, California Government Code Section 910 does not require that the Claimants provide their home and work numbers, driver's license number, date of birth, auto insurance name and policy number, a diagram of the location of the incident, any statements by the Claimants as to their reasons "for believing the City is liable for your damages, "or a description" of all damages which you believe you have incurred as a result of the incident." For the purposes of this document "CLAIMANT" means the individual claimant, claimants plural, and all plaintiffs and parties in interest represented by the LAW OFFICES OF JOHN BURRIS. Therefore, Claimant submits the following information in support of his/her Claim pursuant to Government Code Section 910:

CLAIMANT'S NAME: Chaka Grayson

CLAIMANT ADDRESS: [REDACTED]

CLAIMANT TELEPHONE NUMBER: C/O LAW OFFICES OF JOHN L. BURRIS, ESQ.
(510) 839-5200

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT: LAW OFFICES OF JOHN L. BURRIS, Airport Corporate Centre, 7677 Oakport Street, Suite 1120, Oakland, CA 94621

PLEASE NOTE: COUNSEL REPRESENTS CLAIMANT AND ALL CONTACT SHOULD BE MADE WITH HER ATTORNEY ONLY.

DATE AND TIME OF INCIDENT: July 7, 2013 5:50 p.m.
LOCATION OF INCIDENT: Turner Drive, Marin City, California.

THE FOLLOWING PROVIDES A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGES OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM" AND "THE NAME OR NAMES OF THE PUBLIC EMPLOYEE OR EMPLOYEES CAUSING THE INJURY, DAMAGES, OR LOSS, IF KNOWN: [Per Government Code Section 910]. For the purposes of this claim, "AGENCY" is defined by and refers to the municipal, county, or state entity, which governs Marin, California.

DESCRIPTION OF INCIDENT:

On July 7, 2013, at approximately 5:00 p.m., on Turner Drive in Marin City, Marin County, California, Claimant, Chaka Grayson, was sitting in the passenger seat of his parked vehicle. Claimant observed Sheriff's Deputy Evan Kubato, of the Marin County Sheriff's Department, approach his vehicle from the opposite side of the street. Deputy Kubato, who was in a patrol vehicle, made a u-turn and parked his vehicle

perpendicularly behind Claimant's car. Claimant had not violated any laws, was unarmed, had not threatened anyone, and did not exhibit any conduct that could reasonably be perceived as committing a crime or being armed in any manner.

For reasons unknown to Claimant, Deputy Kubato immediately exited the vehicle with his gun drawn. The Deputy's demeanor and conduct were unreasonably aggressive and threatening. The Deputy walked toward Claimant's car with his gun aimed at Claimant's vehicle yelling, "Don't do it, don't do it!" The deputy never stated what he wanted Claimant to do, why he had Claimant at gunpoint, and Claimant was scared by the Deputy's conduct. Fearing for his life, Claimant began to drive away. No one, including Deputy Kubato, was in the path of Claimant's travel. Although there were bystanders, they were not in the path of Claimant's travel either. In spite of those bystanders being present, and the fact that Claimant had not threatened anyone, the deputy immediately, unreasonably, fired several gunshots at Claimant. The Deputy ran alongside Claimant's car and continued firing his gun into the vehicle until Claimant was down the street and out of sight. Witnesses confirmed that Claimant posed no threat to anyone either prior to or during the shooting. Witnesses also confirmed that there were children playing in the area, and that Deputy Kubato's put those children in danger by firing his gun several times in close proximity to them.

The Officer shot Claimant in the arm three times. Claimant suffered extensive trauma, including but not limited to a shattered humerus and loss mobility in his left hand. Claimant, who is a carpenter and works through his union, is and will be unable to work until his injuries are completely healed. Claimant also suffered severe emotional distress as a consequence of this shooting.

DESCRIPTION OF CLAIM:

Claimant alleges that the conduct of the individual employees, agents, and/or servants of County of Marin Sheriff's Department constitute State statutory violations, which may include but are not limited to assault, battery, false imprisonment, negligence, negligent hiring, and intentional infliction of emotional distress, negligent infliction of emotional distress, and violations of Civil Code sections 51.7 and 52.1. Claimant further alleges he is entitled statutory penalties pursuant to Civil Code sections 51.7, 52, and 52.1.

Claimant alleges those individual employees, agents and/or servants of the County of Marin are responsible for Claimant's injuries, and acts and/or omissions committed within the course or scope of employment under the theory of respondeat superior. Respondeat superior liability includes but is not limited to, negligent training, supervision, control and/or discipline.

Individual employees, agents, and/or servants of the County of Marin, include but are not limited to, the chief of police, sheriff, or an individual of comparable title, in charge of law enforcement for County of Marin, Deputy Evan Kubato, and DOES 1-100, and/or each of them, individually and/or while acting in concert with one another.

Claimant alleges the additional offenses set forth below:

Claimant alleges that assault included, but was not limited to, conduct causing claimant to reasonably fear a harmful offensive touching upon claimant's person.

Claimant alleges that battery included, but was not limited to, conduct resulting in a harmful offensive touching upon claimant's person in a manner foreseeable likely to cause injury.

Claimant alleges that false imprisonment included, but was not limited to, acts or omissions causing claimant to be confined or restricted to an area without means of escape while claimant was aware of the confinement.

Claimant alleges that negligence included, but was not limited to, breach of duty upon failing to exercise due care by placing claimant at risk of serious physical injury.

Claimant alleges that negligent hiring included, but was not limited to, breach of duty upon failing to exercise due care by hiring individuals likely to cause physical injury to citizens while acting under color of law in an official capacity.

Claimant alleges that negligent infliction of emotional distress included, but was not limited to, the failure to use reasonable care to avoid causing emotional distress to another individual. The negligent conduct resulted in Claimants' physical injuries.

Claimant alleges that intentional infliction of emotional distress included, but was not limited to, outrageous acts or omissions with the intent to causing emotional distress to another individual. The intentional conduct resulted in Claimants' physical injuries.

Claimants will allege other causes of action subject to continuing discovery.

DESCRIBE INJURY OR DAMAGE:

Claimant has, or may have in the future, claims for general damages, including, but not limited to, claims for pain, suffering and emotional distress in amounts to be determined according to proof.

Claimant may have and/or may continue to have in the future, claims for special damages, including, but not limited to, claims for medical and related expenses, lost wages, damage to career, damage to educational pursuits, damage to property and/or other special damages in amounts to be determined according to proof.

Claimant may have, and/or may continue to have in the future, damages for permanent mental injuries, permanent mental scarring and/or other psychological disabilities in an amount according to proof.

NAME OF PUBLIC EMPLOYEE(S) BELIEVED TO HAVE CAUSED INJURY OR DAMAGE:

See description of the incident, above.


DEMAND FOR PRESERVATION OF EVIDENCE:

Claimant does hereby demand that AGENCY including, but not limited to, the appropriate city or county law enforcement agency, its employees, servants and/or attorneys, maintain and preserve all evidence, documents and tangible materials which relate in any manner whatsoever to the subject matter of this Claim, including until the completion of any and all civil and/or criminal litigation arising from the events which are the subject matter of this Claim. This demand for preservation of evidence includes, but is not limited to, a demand that all public safety entities preserve all tapes, logs and/or other tangible materials of any kind until the completion of any and all civil and criminal litigation arising from the subject matter of this claim.

AMOUNT OF CLAIM:

This claim is in excess of \$25,000. Jurisdiction is designated as "unlimited" and jurisdiction would be in the Superior Court of the State of California for Marin County.

DATED: 11/11/2013 8:55 AM

A handwritten signature in cursive script, appearing to read "Melissa Nold".

Melissa Nold,
Law Clerk

THE LAW OFFICES OF JOHN L. BURRIS

SH7

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 16:23:00 [PDT]		76 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:23:10 [PDT]		54 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:23:21 [PDT]		48 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:23:32 [PDT]		44 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:23:42 [PDT]		115 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:23:53 [PDT]		77 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:24:04 [PDT]		89 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:24:15 [PDT]		64 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:24:26 [PDT]		119 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:24:37 [PDT]		86 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:24:48 [PDT]		64 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:24:59 [PDT]		62 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:25:10 [PDT]		61 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:25:21 [PDT]		67 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:25:32 [PDT]		69 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:25:43 [PDT]		59 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:25:54 [PDT]		90 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:26:05 [PDT]		95 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:26:16 [PDT]		100 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:26:26 [PDT]		106 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:26:37 [PDT]		121 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:26:48 [PDT]		82 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:26:59 [PDT]		39 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:27:10 [PDT]		65 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:27:21 [PDT]		68 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:27:31 [PDT]		55 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:27:42 [PDT]		75 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:27:53 [PDT]		78 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:28:04 [PDT]		59 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE

RECORDED 75-PO 191
W2-11

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 16:28:15 [PDT]		53 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:28:26 [PDT]		47 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:28:36 [PDT]		83 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:28:47 [PDT]		125 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:28:58 [PDT]		127 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:44:37 [PDT]		75 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:44:48 [PDT]		110 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:44:58 [PDT]		281 W Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:45:09 [PDT]		181 S Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:45:19 [PDT]		124 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:45:29 [PDT]		69 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:45:40 [PDT]		68 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:45:50 [PDT]		89 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:46:00 [PDT]		86 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:46:10 [PDT]		71 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:46:20 [PDT]		94 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:46:30 [PDT]		65 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:46:40 [PDT]		69 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:46:50 [PDT]		81 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:47:00 [PDT]		85 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:47:10 [PDT]		96 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:47:20 [PDT]		90 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:47:30 [PDT]		66 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:47:41 [PDT]		66 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:47:52 [PDT]		56 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:48:03 [PDT]		61 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:48:14 [PDT]		56 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:48:25 [PDT]		42 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:48:36 [PDT]		120 SE Stopped	[MARIN County, CA] DRAKE AVE/PHILLIPS DR

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 16:48:47 [PDT]		30 NE Stopped	[MARIN County, CA] DRAKE AVE/PHILLIPS DR
07/07/2013 16:48:58 [PDT]		41 NE Stopped	[MARIN County, CA] DRAKE AVE/PHILLIPS DR
07/07/2013 16:49:09 [PDT]		69 E Stopped	[MARIN County, CA] DRAKE AVE/PHILLIPS DR
07/07/2013 16:49:20 [PDT]		86 E Stopped	[MARIN County, CA] DRAKE AVE/PHILLIPS DR
07/07/2013 16:49:31 [PDT]		90 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:49:41 [PDT]		91 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:49:52 [PDT]		80 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:50:03 [PDT]		86 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:50:14 [PDT]		81 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:50:25 [PDT]		74 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:50:36 [PDT]		96 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:50:47 [PDT]		188 S Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:50:58 [PDT]		209 SW Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:51:09 [PDT]		72 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:51:20 [PDT]		51 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:51:30 [PDT]		88 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:51:41 [PDT]		73 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:51:52 [PDT]		70 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:52:03 [PDT]		60 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:52:13 [PDT]		69 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:52:24 [PDT]		113 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:52:35 [PDT]		204 SW Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:52:46 [PDT]		85 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:52:57 [PDT]		112 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:53:08 [PDT]		113 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:53:19 [PDT]		99 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:53:30 [PDT]		60 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:53:41 [PDT]		79 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:53:52 [PDT]		89 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 16:54:03 [PDT]		110 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:54:14 [PDT]		89 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:54:25 [PDT]		69 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:54:36 [PDT]		141 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:54:47 [PDT]		297 NW Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:54:58 [PDT]		302 NW Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:55:09 [PDT]		331 NW Stopped	[MARIN County, CA] DRAKE AVE/PHILLIPS DR
07/07/2013 16:55:19 [PDT]		359 N Stopped	[MARIN County, CA] DRAKE AVE/PHILLIPS DR
07/07/2013 16:55:30 [PDT]		31 NE Stopped	[MARIN County, CA] DRAKE AVE/PHILLIPS DR
07/07/2013 16:55:41 [PDT]		92 E Stopped	[MARIN County, CA] DRAKE AVE/PHILLIPS DR
07/07/2013 16:55:52 [PDT]		96 E Stopped	[MARIN County, CA] DRAKE AVE/PHILLIPS DR
07/07/2013 16:56:03 [PDT]		64 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:56:14 [PDT]		158 S Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:56:25 [PDT]		156 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:56:36 [PDT]		82 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:56:47 [PDT]		61 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:56:58 [PDT]		53 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:57:09 [PDT]		62 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:57:20 [PDT]		76 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:57:31 [PDT]		63 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:57:42 [PDT]		169 S Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:57:53 [PDT]		88 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:58:04 [PDT]		102 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:58:15 [PDT]		134 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:58:26 [PDT]		122 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:58:37 [PDT]		108 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:58:48 [PDT]		112 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:58:59 [PDT]		166 S Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:59:10 [PDT]		107 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 16:59:21 [PDT]		138 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:59:32 [PDT]		101 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:59:43 [PDT]		102 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 16:59:54 [PDT]		85 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:00:05 [PDT]		92 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:00:16 [PDT]		99 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:00:27 [PDT]		107 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:00:38 [PDT]		110 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:00:49 [PDT]		86 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:01:00 [PDT]		127 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:01:11 [PDT]		107 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:01:22 [PDT]		115 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:01:33 [PDT]		108 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:01:44 [PDT]		105 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:01:55 [PDT]		123 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:02:05 [PDT]		70 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:02:16 [PDT]		44 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:02:28 [PDT]		88 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:02:38 [PDT]		56 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:02:49 [PDT]		53 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:03:00 [PDT]		88 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:03:11 [PDT]		93 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:03:22 [PDT]		72 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:03:34 [PDT]		64 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:03:45 [PDT]		192 S Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:03:55 [PDT]		86 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:04:06 [PDT]		146 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:04:17 [PDT]		51 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:04:28 [PDT]		60 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:04:40 [PDT]		48 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:04:50 [PDT]		55 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:05:01 [PDT]		44 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:05:13 [PDT]		26 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:05:23 [PDT]		138 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:05:34 [PDT]		22 N Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:05:45 [PDT]		182 S Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:05:56 [PDT]		146 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:06:07 [PDT]		175 S Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:06:18 [PDT]		74 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:06:29 [PDT]		51 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:06:40 [PDT]		59 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:06:52 [PDT]		66 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:07:02 [PDT]		67 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:07:13 [PDT]		114 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:07:24 [PDT]		48 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:07:35 [PDT]		107 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:07:46 [PDT]		78 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:07:57 [PDT]		102 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:08:09 [PDT]		79 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:08:19 [PDT]		124 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:08:30 [PDT]		132 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:08:41 [PDT]		76 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:08:52 [PDT]		100 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:09:04 [PDT]		97 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:09:14 [PDT]		83 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:09:25 [PDT]		124 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:09:36 [PDT]		55 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:09:47 [PDT]		117 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:09:58 [PDT]		93 E Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:10:09 [PDT]		117 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:10:20 [PDT]		46 NE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:10:32 [PDT]		118 SE Stopped	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:10:43 [PDT]		134 SE 4 mph	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:10:54 [PDT]		230 SW 23 mph	[MARIN County, CA] PHILLIPS DR/DRAKE AVE DRAKE AVE
07/07/2013 17:11:05 [PDT]		223 SW 19 mph	[MARIN County, CA] DRAKE AVE/PHILLIPS DR BUCKELEW ST
07/07/2013 17:11:15 [PDT]		140 SE 24 mph	[MARIN County, CA] DRAKE AVE/PACHECO ST PHILLIPS DR
07/07/2013 17:11:27 [PDT]		141 SE 10 mph	[MARIN County, CA] PACHECO ST/DUTTON CT DRAKE AVE
07/07/2013 17:11:37 [PDT]		140 SE 27 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/EUREKA ST PACHECO ST
07/07/2013 17:11:48 [PDT]		139 SE 25 mph	[MARIN County, CA] DRAKE AVE/COLE DR TERRACE DR/EUREKA ST
07/07/2013 17:11:59 [PDT]		120 SE 23 mph	[MARIN County, CA] DRAKE AVE/COLE DR TERRACE DR/EUREKA ST
07/07/2013 17:12:10 [PDT]		71 E 24 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR
07/07/2013 17:12:20 [PDT]		43 NE 2 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR
07/07/2013 17:12:30 [PDT]		29 NE 11 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR
07/07/2013 17:12:42 [PDT]		6 N 16 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:12:53 [PDT]		128 SE 4 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:13:04 [PDT]		194 S 5 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:13:15 [PDT]		74 E 5 mph	[MARIN County, CA] Off Street
07/07/2013 17:13:25 [PDT]		317 NW 4 mph	[MARIN County, CA] Off Street
07/07/2013 17:13:37 [PDT]		312 NW 5 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:13:48 [PDT]		185 S 11 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:13:59 [PDT]		198 S 8 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR
07/07/2013 17:14:10 [PDT]		136 SE 8 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR
07/07/2013 17:14:20 [PDT]		144 SE 6 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:14:32 [PDT]		93 E 4 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:14:43 [PDT]		284 W 8 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:14:54 [PDT]		210 SW 2 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:15:05 [PDT]		207 SW 10 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:15:15 [PDT]		234 SW 10 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:15:27 [PDT]		219 SW Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:15:38 [PDT]		236 SW Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:15:49 [PDT]		236 SW Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:15:59 [PDT]		216 SW Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:16:10 [PDT]		214 SW Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:16:20 [PDT]		234 SW Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:16:30 [PDT]		57 NE Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:16:42 [PDT]		340 N Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:16:53 [PDT]		79 E Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:17:04 [PDT]		31 NE Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:17:15 [PDT]		180 S Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:17:25 [PDT]		75 E Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:17:37 [PDT]		48 NE Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:17:48 [PDT]		168 S Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:17:59 [PDT]		178 S Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:18:10 [PDT]		166 S Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:18:20 [PDT]		229 SW Stopped	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:18:32 [PDT]		221 SW 5 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:18:43 [PDT]		195 S 9 mph	[MARIN County, CA] Off Street
07/07/2013 17:18:54 [PDT]		230 SW 6 mph	[MARIN County, CA] Off Street
07/07/2013 17:19:05 [PDT]		310 NW 8 mph	[MARIN County, CA] Off Street
07/07/2013 17:19:15 [PDT]		343 N 8 mph	[MARIN County, CA] Off Street
07/07/2013 17:19:27 [PDT]		37 NE 9 mph	[MARIN County, CA] Off Street
07/07/2013 17:19:38 [PDT]		37 NE 5 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:19:49 [PDT]		142 SE 12 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:20:00 [PDT]		103 E 12 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:20:10 [PDT]		55 NE 14 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:20:22 [PDT]		21 N 11 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:20:33 [PDT]		324 NW 13 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:20:44 [PDT]		307 NW 9 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR
07/07/2013 17:20:55 [PDT]		260 W 14 mph	[MARIN County, CA] TERRACE DR/DRAKE AVE/COLE DR FLEMINGS CT
07/07/2013 17:21:06 [PDT]		273 W 8 mph	[MARIN County, CA] TERRACE DR/FLEMINGS CT TERNERS DR
07/07/2013 17:21:17 [PDT]		316 NW 21 mph	[MARIN County, CA] TERRACE DR/FLEMINGS CT TERNERS DR
07/07/2013 17:21:28 [PDT]		1 N 10 mph	[MARIN County, CA] TERRACE DR/FLEMINGS CT TERNERS DR
07/07/2013 17:21:39 [PDT]		18 N 23 mph	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:21:50 [PDT]		294 NW 9 mph	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:22:01 [PDT]		224 SW 9 mph	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:22:12 [PDT]		198 S 3 mph	[MARIN County, CA] Off Street
07/07/2013 17:22:23 [PDT]		234 SW 2 mph	[MARIN County, CA] Off Street
07/07/2013 17:22:34 [PDT]		125 SE 3 mph	[MARIN County, CA] Off Street
07/07/2013 17:22:45 [PDT]		192 S Stopped	[MARIN County, CA] Off Street
07/07/2013 17:22:56 [PDT]		202 S Stopped	[MARIN County, CA] Off Street
07/07/2013 17:23:07 [PDT]		168 S Stopped	[MARIN County, CA] Off Street
07/07/2013 17:23:18 [PDT]		164 S Stopped	[MARIN County, CA] Off Street
07/07/2013 17:23:29 [PDT]		160 S Stopped	[MARIN County, CA] Off Street
07/07/2013 17:23:40 [PDT]		167 S Stopped	[MARIN County, CA] Off Street
07/07/2013 17:23:50 [PDT]		169 S Stopped	[MARIN County, CA] Off Street
07/07/2013 17:24:02 [PDT]		171 S Stopped	[MARIN County, CA] Off Street
07/07/2013 17:24:13 [PDT]		185 S Stopped	[MARIN County, CA] Off Street
07/07/2013 17:24:24 [PDT]		91 E Stopped	[MARIN County, CA] Off Street
07/07/2013 17:24:35 [PDT]		149 SE Stopped	[MARIN County, CA] Off Street
07/07/2013 17:24:45 [PDT]		130 SE Stopped	[MARIN County, CA] Off Street
07/07/2013 17:24:57 [PDT]		109 E 2 mph	[MARIN County, CA] Off Street
07/07/2013 17:25:08 [PDT]		117 SE 12 mph	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:25:19 [PDT]		191 S 16 mph	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:25:30 [PDT]		194 S 3 mph	[MARIN County, CA] TERRACE DR/FLEMINGS CT TERNERS DR
07/07/2013 17:25:41 [PDT]		138 SE 16 mph	[MARIN County, CA] TERRACE DR/FLEMINGS CT TERNERS DR

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:25:52 [PDT]		78 E 18 mph	[MARIN County, CA] TERRACE DR/FLEMINGS CT TERNERS DR
07/07/2013 17:26:03 [PDT]		111 E 3 mph	[MARIN County, CA] TERRACE DR/DRAKE AVE/COLE DR FLEMINGS CT
07/07/2013 17:26:14 [PDT]		7 N 25 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:26:25 [PDT]		342 N 20 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:26:36 [PDT]		4 N 6 mph	[MARIN County, CA] DONAHUE ST/DRAKE AVE TERNERS DR
07/07/2013 17:26:47 [PDT]		127 SE Stopped	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:26:58 [PDT]		131 SE Stopped	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:27:09 [PDT]		73 E 11 mph	[MARIN County, CA] RAMP/DONAHUE ST
07/07/2013 17:27:20 [PDT]		98 E 24 mph	[MARIN County, CA] BRIDGE BLVD/RAMP/DONAHUE ST
07/07/2013 17:27:31 [PDT]		47 NE 17 mph	[SAUSALITO, CA] BRIDGE BLVD/
07/07/2013 17:27:42 [PDT]		75 E Stopped	[SAUSALITO, CA] BRIDGE BLVD/
07/07/2013 17:27:53 [PDT]		45 NE 13 mph	[SAUSALITO, CA] GATE 6 RD/RAMP/BRIDGEWAY/BRIDGE BLVD/BRIDGEWAY BLVD
07/07/2013 17:28:04 [PDT]		143 SE Stopped	[MARIN County, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:28:15 [PDT]		145 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:28:26 [PDT]		147 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:28:37 [PDT]		165 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:28:48 [PDT]		170 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:28:59 [PDT]		165 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:29:10 [PDT]		100 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:29:21 [PDT]		144 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:29:32 [PDT]		144 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:29:43 [PDT]		104 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:29:54 [PDT]		125 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:30:05 [PDT]		125 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:30:16 [PDT]		150 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:30:27 [PDT]		140 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:30:38 [PDT]		174 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:30:49 [PDT]		187 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:31:00 [PDT]		141 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:31:11 [PDT]		97 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:31:22 [PDT]		108 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:31:33 [PDT]		98 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:31:44 [PDT]		95 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:31:55 [PDT]		100 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:32:06 [PDT]		156 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:32:17 [PDT]		169 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:32:28 [PDT]		168 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:32:39 [PDT]		178 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:32:50 [PDT]		163 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:33:01 [PDT]		122 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:33:12 [PDT]		80 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:33:23 [PDT]		104 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:33:34 [PDT]		88 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:33:45 [PDT]		163 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:33:56 [PDT]		86 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:34:07 [PDT]		134 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:34:18 [PDT]		138 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:34:29 [PDT]		149 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:34:40 [PDT]		131 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:34:51 [PDT]		176 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:35:02 [PDT]		187 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:35:13 [PDT]		50 NE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:35:24 [PDT]		223 SW Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:35:35 [PDT]		163 S Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:35:46 [PDT]		90 E Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:35:57 [PDT]		121 SE Stopped	[SAUSALITO, CA] GATE 6 RD/GATE 6 1/2 RD
07/07/2013 17:36:08 [PDT]		17 N 11 mph	[MARIN County, CA] GATE 6 RD/GATE 6 1/2 RD

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:36:19 [PDT]		50 NE 14 mph	[MARIN County, CA] GATE 6 RD/KAPPAS MARINA E PIER/E KAPPAS MARINA WALDO POINT
07/07/2013 17:36:30 [PDT]		44 NE 6 mph	[MARIN County, CA] GATE 6 RD/KAPPAS MARINA E PIER/E KAPPAS MARINA WALDO POINT
07/07/2013 17:36:41 [PDT]		326 NW 11 mph	[MARIN County, CA] GATE 6 RD/WALDO POINT ISSAQUAH/ISSAQUAH DOCK WALDO POINT A
07/07/2013 17:36:52 [PDT]		320 NW 16 mph	[MARIN County, CA] GATE 6 RD/WALDO POINT A DOCK/A DOCK YELLOW FERRY DOCK/YELL
07/07/2013 17:37:03 [PDT]		330 NW 2 mph	[MARIN County, CA] GATE 6 RD/YELLOW FERRY DOCK/YELLOW FERRY HBR
07/07/2013 17:37:14 [PDT]		0 N 4 mph	[MARIN County, CA] GATE 6 RD/YELLOW FERRY DOCK/YELLOW FERRY HBR
07/07/2013 17:37:25 [PDT]		323 NW 6 mph	[MARIN County, CA] Off Street
07/07/2013 17:37:36 [PDT]		300 NW 2 mph	[MARIN County, CA] Off Street
07/07/2013 17:37:47 [PDT]		166 S 6 mph	[MARIN County, CA] Off Street
07/07/2013 17:37:57 [PDT]		142 SE 9 mph	[MARIN County, CA] GATE 6 RD/YELLOW FERRY DOCK/YELLOW FERRY HBR
07/07/2013 17:38:08 [PDT]		144 SE 6 mph	[MARIN County, CA] GATE 6 RD/YELLOW FERRY DOCK/YELLOW FERRY HBR
07/07/2013 17:38:19 [PDT]		142 SE 13 mph	[MARIN County, CA] GATE 6 RD/WALDO POINT A DOCK/A DOCK YELLOW FERRY DOCK/YELL
07/07/2013 17:38:28 [PDT]		152 SE 9 mph	[MARIN County, CA] WALDO POINT A DOCK/A DOCK/GATE 6 RD A DOCK
07/07/2013 17:38:42 [PDT]		176 S 10 mph	[MARIN County, CA] GATE 6 RD/KAPPAS MARINA E PIER/E KAPPAS MARINA WALDO POINT
07/07/2013 17:38:52 [PDT]		230 SW 20 mph	[MARIN County, CA] GATE 6 RD/GATE 6 1/2 RD KAPPAS MARINA W PIER/W KAPPAS MARI
07/07/2013 17:39:04 [PDT]		302 NW 27 mph	[SAUSALITO, CA] RAMP/
07/07/2013 17:39:14 [PDT]		312 NW 50 mph	[MARIN County, CA] REDWOOD HWY/FWY-1 N/US-101 N FWY-1 N/US-101 N/RAMP
07/07/2013 17:39:25 [PDT]		314 NW 55 mph	[MARIN County, CA] REDWOOD HWY/FWY-1 S/US-101 S/RAMP FWY-1 S/US-101 S
07/07/2013 17:39:36 [PDT]		313 NW 54 mph	[MARIN County, CA] RAMP/REDWOOD HWY/US-101 N/FWY-1 N SHORELINE HWY/FWY-1/HIGH
07/07/2013 17:39:48 [PDT]		314 NW 48 mph	[MARIN County, CA] RAMP/REDWOOD HWY/US-101 N SHORELINE HWY/FWY-1/HIGHWAY 1
07/07/2013 17:39:59 [PDT]		296 NW 40 mph	[MARIN County, CA] SHORELINE HWY/FWY-1/HIGHWAY 1 FWY-1/HIGHWAY 1
07/07/2013 17:40:10 [PDT]		273 W 4 mph	[MARIN County, CA] SHORELINE HWY/FWY-1/HIGHWAY 1/RAMP FWY-1/HIGHWAY 1
07/07/2013 17:40:20 [PDT]		74 E Stopped	[MARIN County, CA] SHORELINE HWY/FWY-1/HIGHWAY 1/RAMP FWY-1/HIGHWAY 1
07/07/2013 17:40:31 [PDT]		110 E Stopped	[MARIN County, CA] SHORELINE HWY/FWY-1/HIGHWAY 1/RAMP FWY-1/HIGHWAY 1
07/07/2013 17:40:42 [PDT]		84 E Stopped	[MARIN County, CA] SHORELINE HWY/FWY-1/HIGHWAY 1/RAMP FWY-1/HIGHWAY 1
07/07/2013 17:40:53 [PDT]		265 W 14 mph	[MARIN County, CA] SHORELINE HWY/FWY-1/HIGHWAY 1/RAMP FWY-1/HIGHWAY 1
07/07/2013 17:41:04 [PDT]		138 SE 27 mph	[MARIN County, CA] SHORELINE HWY/FWY-1/HIGHWAY 1/RAMP FWY-1/HIGHWAY 1

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:41:15 [PDT]		125 SE 31 mph	[MARIN County, CA] SHORELINE HWY/FWY-1/HIGHWAY 1/RAMP FWY-1/HIGHWAY 1/RAMP
07/07/2013 17:41:26 [PDT]		121 SE 47 mph	[MARIN County, CA] REDWOOD HWY/US-101 N US-101 N/RAMP
07/07/2013 17:41:37 [PDT]		132 SE 58 mph	[MARIN County, CA] REDWOOD HWY/FWY-1 S/US-101 S US-101 S/RAMP/FWY-1 S
07/07/2013 17:41:48 [PDT]		135 SE 50 mph	[MARIN County, CA] REDWOOD HWY/FWY-1 S/US-101 S/RAMP FWY-1 S/US-101 S
07/07/2013 17:41:59 [PDT]		177 S 37 mph	[MARIN County, CA] RAMP/DONAHUE ST
07/07/2013 17:42:10 [PDT]		173 S 19 mph	[MARIN County, CA] RAMP/DONAHUE ST
07/07/2013 17:42:21 [PDT]		216 SW 11 mph	[MARIN County, CA] DONAHUE ST/DRAKE AVE TERNERS DR
07/07/2013 17:42:32 [PDT]		161 S 19 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:42:43 [PDT]		183 S 20 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR DONAHUE ST
07/07/2013 17:42:54 [PDT]		196 S 6 mph	[MARIN County, CA] DRAKE AVE/TERRACE DR/COLE DR
07/07/2013 17:43:05 [PDT]		145 SE 11 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:43:16 [PDT]		206 SW 16 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:43:27 [PDT]		109 E 8 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:43:38 [PDT]		154 SE 9 mph	[MARIN County, CA] Off Street
07/07/2013 17:43:49 [PDT]		239 SW 3 mph	[MARIN County, CA] Off Street
07/07/2013 17:44:00 [PDT]		319 NW 4 mph	[MARIN County, CA] Off Street
07/07/2013 17:44:11 [PDT]		322 NW 8 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:44:22 [PDT]		257 W 8 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:44:33 [PDT]		267 W 13 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:44:44 [PDT]		307 NW 12 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:44:55 [PDT]		1 N 9 mph	[MARIN County, CA] COLE DR/DRAKE AVE TERRACE DR/DRAKE AVE
07/07/2013 17:45:06 [PDT]		302 NW 16 mph	[MARIN County, CA] DRAKE AVE/COLE DR TERRACE DR/EUREKA ST
07/07/2013 17:45:17 [PDT]		318 NW 23 mph	[MARIN County, CA] DRAKE AVE/COLE DR TERRACE DR/EUREKA ST
07/07/2013 17:45:28 [PDT]		321 NW 24 mph	[MARIN County, CA] TERRACE DR/TERNERS DR DRAKE AVE/EUREKA ST
07/07/2013 17:45:40 [PDT]		318 NW 8 mph	[MARIN County, CA] PACHECO ST/DUTTON CT DRAKE AVE
07/07/2013 17:45:50 [PDT]		318 NW 12 mph	[MARIN County, CA] DRAKE AVE/PACHECO ST PHILLIPS DR
07/07/2013 17:46:02 [PDT]		320 NW 13 mph	[MARIN County, CA] DRAKE AVE/PACHECO ST PHILLIPS DR
07/07/2013 17:46:13 [PDT]		319 NW 19 mph	[MARIN County, CA] DRAKE AVE/PHILLIPS DR BUCKELEW ST
07/07/2013 17:46:24 [PDT]		22 N 16 mph	[MARIN County, CA] DRAKE AVE/PHILLIPS DR BUCKELEW ST

VEH 09 - 27 RECORDS

MS 19

SH7

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:46:35 [PDT]		47 NE 14 mph	[MARIN County, CA] DRAKE AVE/BUCKELEW ST PARK CIR
07/07/2013 17:46:45 [PDT]		348 N 13 mph	[MARIN County, CA] PARK CIR/DRAKE AVE DONAHUE ST
07/07/2013 17:46:57 [PDT]		359 N 12 mph	[MARIN County, CA] PARK CIR/DRAKE AVE DONAHUE ST
07/07/2013 17:47:08 [PDT]		69 E 13 mph	[MARIN County, CA] PARK CIR/DRAKE AVE DONAHUE ST
07/07/2013 17:47:19 [PDT]		113 SE 12 mph	[MARIN County, CA] PARK CIR/DRAKE AVE DONAHUE ST
07/07/2013 17:47:30 [PDT]		102 E 17 mph	[MARIN County, CA] PARK CIR/DRAKE AVE DONAHUE ST
07/07/2013 17:47:40 [PDT]		103 E 11 mph	[MARIN County, CA] DONAHUE ST/PARK CIR BUCKELEW ST
07/07/2013 17:47:52 [PDT]		188 S 21 mph	[MARIN County, CA] DONAHUE ST/DRAKE AVE PARK CIR
07/07/2013 17:48:03 [PDT]		193 S 8 mph	[MARIN County, CA] DONAHUE ST/DRAKE AVE PARK CIR
07/07/2013 17:48:14 [PDT]		168 S 24 mph	[MARIN County, CA] DONAHUE ST/TERNERS DR
07/07/2013 17:48:25 [PDT]		126 SE 21 mph	[MARIN County, CA] DONAHUE ST/TERNERS DR
07/07/2013 17:48:35 [PDT]		93 E Stopped	[MARIN County, CA] DONAHUE ST/TERNERS DR
07/07/2013 17:48:47 [PDT]		201 S 13 mph	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:48:58 [PDT]		197 S 16 mph	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:49:09 [PDT]		97 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:49:20 [PDT]		114 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:49:30 [PDT]		145 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:49:42 [PDT]		138 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:49:53 [PDT]		156 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:50:04 [PDT]		151 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:50:15 [PDT]		151 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:50:25 [PDT]		162 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:50:37 [PDT]		151 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:50:48 [PDT]		121 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:50:59 [PDT]		107 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:51:10 [PDT]		113 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:51:20 [PDT]		90 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:51:32 [PDT]		114 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:51:43 [PDT]		105 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

2090038 75-PO H3V

PI 2/17

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:51:54 [PDT]		144 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:52:05 [PDT]		159 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:52:15 [PDT]		149 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:52:27 [PDT]		152 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:52:38 [PDT]		156 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:52:49 [PDT]		152 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:53:00 [PDT]		107 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:53:10 [PDT]		148 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:53:22 [PDT]		102 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:53:33 [PDT]		310 NW 2 mph	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:53:44 [PDT]		21 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:53:55 [PDT]		0 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:54:05 [PDT]		160 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:54:17 [PDT]		112 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:54:28 [PDT]		168 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:54:39 [PDT]		163 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:54:50 [PDT]		44 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:55:00 [PDT]		43 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:55:12 [PDT]		148 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:55:23 [PDT]		319 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:55:34 [PDT]		321 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:55:45 [PDT]		164 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:55:55 [PDT]		168 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:56:07 [PDT]		176 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:56:18 [PDT]		111 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:56:29 [PDT]		149 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:56:40 [PDT]		127 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:56:50 [PDT]		152 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:57:02 [PDT]		138 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 17:57:13 [PDT]		30 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:57:24 [PDT]		327 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:57:35 [PDT]		13 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:57:45 [PDT]		352 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:57:57 [PDT]		10 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:58:08 [PDT]		6 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:58:19 [PDT]		322 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:58:30 [PDT]		110 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:58:40 [PDT]		265 W Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:58:52 [PDT]		342 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:59:03 [PDT]		96 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:59:14 [PDT]		336 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:59:25 [PDT]		79 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:59:35 [PDT]		195 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:59:47 [PDT]		96 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 17:59:58 [PDT]		59 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:00:09 [PDT]		140 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:00:20 [PDT]		121 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:00:30 [PDT]		158 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:00:42 [PDT]		155 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:00:53 [PDT]		99 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:01:04 [PDT]		102 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:01:15 [PDT]		60 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:01:25 [PDT]		58 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:01:37 [PDT]		31 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:01:48 [PDT]		90 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:01:59 [PDT]		173 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:02:10 [PDT]		161 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:02:20 [PDT]		154 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

SH7

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:02:32 [PDT]		151 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:02:43 [PDT]		119 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:02:54 [PDT]		134 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:03:05 [PDT]		52 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:03:15 [PDT]		83 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:03:27 [PDT]		163 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:03:38 [PDT]		95 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:03:49 [PDT]		80 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:04:00 [PDT]		142 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:04:10 [PDT]		155 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:04:22 [PDT]		126 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:04:33 [PDT]		151 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:04:44 [PDT]		150 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:04:55 [PDT]		132 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:05:05 [PDT]		77 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:05:17 [PDT]		54 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:05:28 [PDT]		43 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:05:39 [PDT]		55 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:05:50 [PDT]		8 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:06:00 [PDT]		357 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:06:12 [PDT]		134 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:06:23 [PDT]		118 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:06:34 [PDT]		120 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:06:45 [PDT]		113 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:06:55 [PDT]		114 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:07:07 [PDT]		110 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:07:18 [PDT]		160 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:07:29 [PDT]		92 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:07:40 [PDT]		67 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

SH7

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:07:50 [PDT]		13 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:08:02 [PDT]		303 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:08:13 [PDT]		172 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:08:24 [PDT]		94 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:08:35 [PDT]		95 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:08:45 [PDT]		178 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:08:57 [PDT]		183 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:09:08 [PDT]		103 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:09:19 [PDT]		308 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:09:30 [PDT]		174 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:09:40 [PDT]		122 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:09:52 [PDT]		149 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:10:03 [PDT]		159 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:10:14 [PDT]		170 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:10:25 [PDT]		169 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:10:35 [PDT]		52 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:10:47 [PDT]		114 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:10:58 [PDT]		47 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:11:09 [PDT]		68 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:11:20 [PDT]		77 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:11:31 [PDT]		102 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:11:42 [PDT]		97 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:11:53 [PDT]		106 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:12:04 [PDT]		128 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:12:15 [PDT]		119 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:12:25 [PDT]		159 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:12:37 [PDT]		133 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:12:48 [PDT]		166 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:12:59 [PDT]		21 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

SH7

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:13:10 [PDT]		73 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:13:20 [PDT]		94 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:13:32 [PDT]		67 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:13:43 [PDT]		97 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:13:54 [PDT]		103 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:14:05 [PDT]		72 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:14:15 [PDT]		133 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:14:27 [PDT]		86 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:14:38 [PDT]		95 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:14:49 [PDT]		91 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:15:00 [PDT]		282 W Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:15:10 [PDT]		216 SW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:15:22 [PDT]		147 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:15:33 [PDT]		110 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:15:44 [PDT]		157 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:15:55 [PDT]		142 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:16:05 [PDT]		86 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:16:17 [PDT]		80 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:16:28 [PDT]		122 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:16:39 [PDT]		182 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:16:50 [PDT]		199 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:17:00 [PDT]		353 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:17:12 [PDT]		186 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:17:23 [PDT]		58 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:17:34 [PDT]		53 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:17:45 [PDT]		67 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:17:55 [PDT]		81 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:18:07 [PDT]		75 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:18:18 [PDT]		109 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:18:29 [PDT]		53 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:18:40 [PDT]		20 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:18:50 [PDT]		87 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:19:02 [PDT]		40 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:19:13 [PDT]		24 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:19:24 [PDT]		130 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:19:35 [PDT]		85 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:19:45 [PDT]		120 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:19:57 [PDT]		131 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:20:08 [PDT]		123 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:20:19 [PDT]		32 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:20:30 [PDT]		87 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:20:41 [PDT]		54 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:20:52 [PDT]		32 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:21:03 [PDT]		61 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:21:14 [PDT]		68 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:21:25 [PDT]		87 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:21:36 [PDT]		36 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:21:47 [PDT]		73 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:21:58 [PDT]		78 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:22:09 [PDT]		39 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:22:20 [PDT]		7 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:22:30 [PDT]		87 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:22:42 [PDT]		84 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:22:53 [PDT]		102 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:23:04 [PDT]		139 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:23:15 [PDT]		138 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:23:25 [PDT]		140 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:23:37 [PDT]		115 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:23:48 [PDT]		77 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:23:59 [PDT]		12 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:24:10 [PDT]		7 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:24:20 [PDT]		337 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:24:32 [PDT]		12 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:24:43 [PDT]		94 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:24:54 [PDT]		344 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:25:05 [PDT]		121 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:25:15 [PDT]		103 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:25:27 [PDT]		128 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:25:38 [PDT]		128 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:25:49 [PDT]		112 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:26:00 [PDT]		122 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:26:10 [PDT]		8 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:26:22 [PDT]		39 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:26:33 [PDT]		34 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:26:44 [PDT]		96 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:26:55 [PDT]		58 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:27:06 [PDT]		59 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:27:17 [PDT]		110 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:27:28 [PDT]		85 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:27:39 [PDT]		83 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:27:50 [PDT]		91 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:28:00 [PDT]		290 W Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:28:12 [PDT]		290 W Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:28:23 [PDT]		38 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:28:34 [PDT]		4 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:28:45 [PDT]		346 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:28:55 [PDT]		351 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:29:07 [PDT]		131 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:29:18 [PDT]		70 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:29:29 [PDT]		139 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:29:40 [PDT]		67 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:29:51 [PDT]		97 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:30:02 [PDT]		78 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:30:13 [PDT]		347 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:30:24 [PDT]		61 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:30:35 [PDT]		47 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:30:45 [PDT]		59 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:30:57 [PDT]		66 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:31:08 [PDT]		68 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:31:19 [PDT]		100 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:31:30 [PDT]		166 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:31:40 [PDT]		116 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:31:52 [PDT]		124 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:32:03 [PDT]		73 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:32:14 [PDT]		119 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:32:25 [PDT]		181 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:32:35 [PDT]		101 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:32:47 [PDT]		121 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:32:58 [PDT]		100 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:33:09 [PDT]		109 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:33:20 [PDT]		98 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:33:30 [PDT]		100 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:33:42 [PDT]		104 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:33:53 [PDT]		192 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:34:04 [PDT]		184 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:34:15 [PDT]		161 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:34:25 [PDT]		171 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:34:37 [PDT]		169 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:34:48 [PDT]		168 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:34:59 [PDT]		97 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:35:10 [PDT]		42 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:35:20 [PDT]		36 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:35:32 [PDT]		28 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:35:43 [PDT]		35 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:35:54 [PDT]		33 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:36:05 [PDT]		165 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:36:15 [PDT]		181 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:36:27 [PDT]		317 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:36:38 [PDT]		153 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:36:49 [PDT]		197 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:37:00 [PDT]		69 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:37:10 [PDT]		32 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:37:22 [PDT]		59 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:37:33 [PDT]		17 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:37:44 [PDT]		32 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:37:55 [PDT]		358 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:38:05 [PDT]		130 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:38:17 [PDT]		188 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:38:28 [PDT]		215 SW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:38:39 [PDT]		202 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:38:50 [PDT]		109 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:39:00 [PDT]		89 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:39:12 [PDT]		104 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:39:23 [PDT]		127 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:39:34 [PDT]		19 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:39:45 [PDT]		78 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:39:55 [PDT]		83 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:40:07 [PDT]		118 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:40:18 [PDT]		46 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:40:29 [PDT]		341 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:40:40 [PDT]		13 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:40:50 [PDT]		312 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:41:02 [PDT]		319 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:41:13 [PDT]		24 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:41:24 [PDT]		21 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:41:35 [PDT]		93 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:41:45 [PDT]		86 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:41:57 [PDT]		69 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:42:08 [PDT]		83 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:42:19 [PDT]		78 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:42:30 [PDT]		98 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:42:40 [PDT]		323 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:42:52 [PDT]		22 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:43:03 [PDT]		4 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:43:14 [PDT]		327 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:43:25 [PDT]		326 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:43:35 [PDT]		81 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:43:47 [PDT]		91 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:43:58 [PDT]		60 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:44:09 [PDT]		73 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:44:20 [PDT]		325 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:44:30 [PDT]		6 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:44:42 [PDT]		312 NW Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:44:53 [PDT]		53 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

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Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:45:04 [PDT]		27 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:45:15 [PDT]		41 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:45:25 [PDT]		47 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:45:37 [PDT]		43 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:45:48 [PDT]		103 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:45:59 [PDT]		58 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:46:10 [PDT]		130 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:46:20 [PDT]		131 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:46:32 [PDT]		180 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:46:43 [PDT]		192 S Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:46:54 [PDT]		59 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:47:05 [PDT]		39 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:47:16 [PDT]		59 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:47:27 [PDT]		38 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:47:38 [PDT]		97 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:47:49 [PDT]		56 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:48:00 [PDT]		132 SE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:48:10 [PDT]		93 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:48:22 [PDT]		102 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:48:33 [PDT]		84 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:48:44 [PDT]		59 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:48:55 [PDT]		103 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:49:05 [PDT]		45 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:49:17 [PDT]		27 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:49:28 [PDT]		37 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:49:39 [PDT]		27 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:49:50 [PDT]		54 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:50:00 [PDT]		66 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:50:12 [PDT]		52 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

SH7

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:50:23 [PDT]		45 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:50:34 [PDT]		49 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:50:45 [PDT]		22 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:50:55 [PDT]		53 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:51:07 [PDT]		62 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:51:18 [PDT]		37 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:51:29 [PDT]		71 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:51:40 [PDT]		31 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:51:50 [PDT]		101 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:52:02 [PDT]		65 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:52:13 [PDT]		66 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:52:24 [PDT]		73 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:52:35 [PDT]		49 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:52:45 [PDT]		52 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:52:57 [PDT]		47 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:53:08 [PDT]		52 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:53:19 [PDT]		51 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:53:30 [PDT]		37 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:53:40 [PDT]		78 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:53:52 [PDT]		48 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:54:03 [PDT]		55 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:54:14 [PDT]		10 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:54:25 [PDT]		9 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:54:35 [PDT]		85 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:54:47 [PDT]		87 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:54:58 [PDT]		76 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:55:09 [PDT]		57 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:55:20 [PDT]		50 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:55:30 [PDT]		24 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

SH7

Time Begin Time End	Idled Time	Status Direction/Speed	Location Activity
07/07/2013 18:55:42 [PDT]		53 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:55:53 [PDT]		57 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:56:04 [PDT]		4 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:56:15 [PDT]		342 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:56:25 [PDT]		20 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:56:37 [PDT]		2 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:56:48 [PDT]		49 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:56:59 [PDT]		98 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:57:10 [PDT]		49 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:57:21 [PDT]		79 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:57:32 [PDT]		73 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:57:43 [PDT]		79 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:57:54 [PDT]		45 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:58:05 [PDT]		37 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:58:16 [PDT]		36 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:58:27 [PDT]		23 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:58:38 [PDT]		2 N Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:58:49 [PDT]		24 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:59:00 [PDT]		31 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:59:11 [PDT]		32 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:59:22 [PDT]		26 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:59:33 [PDT]		65 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:59:44 [PDT]		70 E Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST
07/07/2013 18:59:55 [PDT]		49 NE Stopped	[MARIN County, CA] TERNERS DR/TERRACE DR DONAHUE ST

[REDACTED]
From: [REDACTED]
Sent: Monday, July 08, 2013 8:47 AM
To: [REDACTED]
Subject: Fwd: MCPD Officer Misconduct

Hello Officer [REDACTED]

Here is my report on the shooting incident which took place in front of [REDACTED] last night. As I stated last night, I will be seeking legal consultation/representation before moving forward.

Date: Sunday, July 7th
Time: Approx. 5:45p-6p

I was walking home from the store, headed South on Terners Drive. Around half a block away, I see an officer has someone pulled over directly in front of the West side of the park/street. The officer's car is parked facing west, behind the car he has pulled over, which is facing North... so that the two cars form an "L" shape. There was another car parked a few feet in front of the "offender's" car as well.

In a split moment, the officer, standing right next to the driver's door, pulls his gun, steps back 5-10ft and yells "don't move the car, don't move the car". The driver turned his wheels out, pulled forward less than a foot, and the officer opened fire, firing off at least 8-10 shots while turning in a 90 degree angle (east to north - right to left). Although trying to aim at the car, the officer fired shots into the direction of the park, the apartment complex, and down Terners drive. At least 2-3 shots were fired in my direction, less than half a block away. I had to fall to the ground while the officer fired over my head, and continue to fire down the street. The officer then chased the car with his gun drawn, approx. 1-block, leaving the drivers door on his patrol car wide open. There were at least 15-20 children in both sides of the park at during the shooting. There were people everywhere. Officer did not care where he was pointing his gun, acted blood-thirsty and erratic. I never once felt the officer was in danger. Especially to the point of needing his gun.

When I asked the officer for his badge number, he and the rest of the officers refused to give me any badge numbers, contact info, or take a statement. The officer who was shooting claimed that the driver of the vehicle tried to run him over, which would've been impossible from where he was standing (5-10ft) parallel to the drivers door). A few moments later I asked a few more officers for the badge number, and contact info to file my report, and was yelled at and ridiculed. Finally, an officer was kind enough to give me his card, but still refused to give me the trigger happy officer's name.

I offered my statement multiple times as an eyewitness to the entire event, but not a single officer would take any time to talk to me.

Called in to Marin County Sheriff to file my report at 6:14pm, was told an officer would contact me in an hour, at 7:27pm still no call back.

At 9:43pm - Still no contact from police.

Around 10p-10:15p - Visited and questioned by detective [REDACTED] from the Novato police department, who was accompanied by two other officers.

MS 50

Please confirm receipt of this email.

Thank you,

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copying, distribution or any action taken or omitted to be taken in reliance
on it is prohibited and may be unlawful.

052M

POLICE AND JAIL PROCEDURES, INC.

May 13, 2014

Ms. [REDACTED]
Deputy County Counsel
County of Marin
3501 Civic Center Drive, Room 275
San Rafael, CA 94903

Dear Ms. [REDACTED]

Regarding: Deputy Evan Kubota's shooting which occurred on July 7, 2013, at about 1750 hours.

Introduction:

I have been retained as a qualified expert in the above case.

I am a thirty-year law enforcement veteran. Twenty of my thirty years were in supervisor and management positions. I have 30 years of experience in patrol, detectives, narcotics, and large jails (over 4,000 inmates). I have investigated countless crimes that occurred in patrol and in the jails. In my career as a sergeant and watch commander I have amassed vast experience in analyzing use of force by my subordinates to determine if the force used was proper, reasonable, and within policy. I have held many in-service emergency response training sessions to my subordinates. I have commanded scenes at officer involved shootings and have been involved in the shooting investigation process. I am a requested lecturer to investigator and attorney groups in the area of police use of force in patrol and in the jails.

I have testified as an expert in United States District Court and in California and Nevada state courts in:

- Use of force (California Courts and in Federal District Court)
- Use of the TASER (California Courts)
- Police practices (California, Nevada, and in Federal Courts)
- Arrest Warrant Operations (Nevada Courts)
- Emergency Vehicle Operations (California Courts)

- Narcotics (numerous areas) (California and Nevada Courts)
- Sexual assault investigations (Federal Courts)
- Evidence collection in firearms cases (California Courts)
- Use of private security guards (California Courts)
- Prison inmate culture: (California and Federal Courts)
 - jail-made weapons (carrying, using, and manufacture)
 - gang vs. non-gang attacks on staff

I have been accepted as a police practices expert by the Los Angeles County Superior Court Committee of Superior Court Judges who have been appointed to maintain a Panel of Expert Witnesses. I am also a member of the Federal Court Defender's office police experts' database.

I have earned the designation of Certified Litigation Specialist (CLS) from the Americans for Effective Law Enforcement (AELE). The Americans for Effective Law Enforcement was formed in 1966 and opened the Law Enforcement Legal Center in 1973. AELE is a research driven educational organization that produces and disseminates legal information through traditional seminars, via electronic media, and direct contact. I received my certification after completing the following litigation-related required training in:

- Lethal and Less Lethal Use of Force
- Arrest-Related, Excited Delirium, Sudden In-Custody Death, Jail Suicide
- Management, Oversight, and Monitoring of Use of Force, including ECW (TASER) Operations and Post-Incident Forensics
- Discipline and Internal Investigations

My use of force and Taser use expert testimony was cited in the May 30, 2012, published opinion of the Court of Appeal of the State of California, Second Appellate District, Division Eight, Alma Mendoza v. City of West Covina, et al., B227812, (Los Angeles County, Superior Court. Number: BC387119). In this opinion, the judgment was affirmed.

After careful evaluation of all the evidence, including the statements made by Deputy Evan Kubota, witnesses, crime scene photos, bullet trajectory reports, and Marin County Sheriff's Office General Orders – Discharge of Firearms, I formed a number of opinions as to the actions of Deputy Kubota and whether he acted reasonably and followed the use of firearms policy of the Marin County Sheriff's Department on July 7, 2013, at 1750 hours.

I based my opinions on the materials I have identified. I applied my training, knowledge, and extensive experience concerning lethal use of force and proper police practices in considering the evidence. My opinions are expressed to a reasonable or higher degree of professional certainty or probability.

Unless otherwise indicated, I assume that the evidence and circumstances as presented by Deputy Kubota and the witnesses are correct based on their statements. I am not determining anyone's credibility. With that assumption in mind, I formed a number of opinions as to the actions of Deputy Kubota in this case and procedures, policies, and accepted practices that were and were not followed in this case.

I have studied the reports and other material provided to me and listed them below regarding this case. Please be advised that if there are any additional depositions, investigations, policies, reports, memos, video recordings, photos, or other materials produced in this case, a supplemental report may be necessary; thus I reserve the right to supplement my opinions and/or this report.

Materials and items considered in forming opinions and exhibits to be used in support of Findings and Opinions:

1. Novato police report, original supplement #13-3957, Deputy Kubota's statements
2. Police report supplement #13-3983, Mr. Grayson's urine test
3. Police report supplement #0022, Deputy Kubota's statements to Investigators (Date of this report, July 12, 2013, at 0959 hours)
4. Police report supplement #1, various witness statements
5. Police report supplement #2, various witness statements
6. Police department supplement #3, crime scene description
7. Police report supplement #6, search for expended rounds and witness [REDACTED] statement
8. Police report supplement #8, Mr. Grayson refuses to talk
9. Police report supplement #11, public safety statement and Mr. Grayson taken into custody
10. Police report supplement #13, Mr. Grayson's car found in parking lot
11. Police report supplement #14, various witness statements
12. Police report supplement #15, DNA collection
13. Police report supplement #16, witness statements of [REDACTED] and [REDACTED]
14. Police report supplement #24, various witness statements
15. Police report supplement #25, inventory of Mr. Grayson's vehicle
16. Police report supplement #31, Sergeant [REDACTED] destroyed a diagram by Deputy Kubota
17. Police report supplement #36, witness statements of [REDACTED] and [REDACTED]
18. Email from witness [REDACTED] to Detective [REDACTED]
19. DOJ, blood alcohol test of Mr. Grayson
20. CHP 180 of Mr. Grayson's car

21. Handwritten diagrams CAD drawings of bullet strikes
22. X-ray of Mr. Grayson's left arm
23. DOJ forensics services report of bullet strikes by criminologist [REDACTED]
24. Marin County District Attorney's office interview of witness [REDACTED]
25. Report by [REDACTED] [REDACTED]
26. Police report supplement 45 referring to Mr. Brodd's report
27. Crime scene photos
28. MCSO, use and discharge of firearms policy, GO-04-03, which includes case law: Graham v. Connor and Tennessee v. Garner
29. MCSO use of force policy, GO-04-06
30. POST Learning Domain 20, Chapter 3, Use of Deadly Force
31. IACP Use of Force Concept Paper, February 2006
32. IACP Model Policy, Use of Force
33. Report by Investigator [REDACTED] supplemental report number 35
34. Report by Criminalist II, [REDACTED] and [REDACTED], re: the two bullet strikes to the front wheel well.
35. Additional DOJ forensics services report of bullet strikes by criminologist [REDACTED] This report addresses the two bullet strikes to the driver's side tire.
36. Police report supplement #12, by Officer [REDACTED]
37. Audio note entitled "Shame"
38. Police report supplement #44 by Detective [REDACTED]
39. Police report supplement #43 by Detective [REDACTED]
40. Police report supplement #42 by Detective [REDACTED] re: Mr. Grayson's toxicology
41. Police report supplement #41 by Detective [REDACTED]
42. Police report supplement #40 by Detective [REDACTED]
43. Police report supplement #34 by Officer [REDACTED]
44. Police report supplement #33 by Officer [REDACTED]
45. Police report supplement #32 by Detective [REDACTED]
46. Police report supplement #30 by Officer [REDACTED]
47. Police report supplement #29 by Detective [REDACTED]
48. Police report supplement #28 by Officer [REDACTED]
49. Police report supplement #27 by Officer [REDACTED] re: GSR and bullet trajectory
50. Police report supplement #26 by Officer [REDACTED] re: bullet trajectory
51. Police report supplement #23 by Officer [REDACTED] re: evidence collection
52. Police report supplement #21 by Officer [REDACTED] re: evidence mapping
53. Police report supplement #20 by Officer [REDACTED] re: witness location and other evidence
54. Police report supplement #19 by Officer [REDACTED]
55. Police report supplement #18 by Officer [REDACTED] re: search warrant
56. Police report supplement #17 by Detective [REDACTED]
57. Police report supplement #10, information from traffic engineer

58. Police report supplement #9 by Detective [REDACTED]
59. Police report supplement #7 by Officer [REDACTED] re: photographs taken from witness [REDACTED] apartment
60. Police report supplement #5 from Officer [REDACTED]
61. Police report supplement #4 from Officer [REDACTED]
62. Black and white copy of Google map of the city of Marin
63. Copy of computer generated event history
64. DMV print-out for license plate number [REDACTED]
65. Factual diagram legend
66. CAD drawing of the parking lot at 200 Drake Avenue
67. Factual diagram legend from parking lot
68. Copies of CAD drawing of bullet strikes to the car
69. Facebook page from Mr. Grayson
70. Copy of Mr. Grayson's identification cards
71. San Rafael police officer report physical evidence submission
72. DOJ, forensic services, forensic alcohol analysis of Mr. Grayson
73. CVT, Central Valley Toxicology, Inc. report, blood screen from Mr. Grayson
74. DOJ forensics bureau of forensics services report on the officer's firearm
75. Photographs entitled [REDACTED]
76. Special Investigations report (S.I.) dated March 29, 2014

Summary:

Date, Time and Location of occurrence:

This incident occurred on July 7, 2013, at about 1750 hours, on Donahue Street and Terners Drive, Marin City in the County of Marin.

What occurred:

Deputy Kubota observes Mr. Grayson driving and sees Mr. Grayson pull over and park:

According to the Novato Police Department Incident Reports, Deputy Evan Kubota, who was wearing his full patrol uniform and driving a marked patrol car, saw Mr. Chaka Grayson driving a gold Buick vehicle. Deputy Kubota stated he knew Mr. Grayson by sight and knew he was on state parole and had a suspended driver's license. [REDACTED] had told Deputy Kubota earlier that Mr. Grayson had a suspended driver's license.

Deputy Kubota saw Mr. Grayson's gold vehicle on Terners Drive and saw that vehicle make "an abrupt, very distinct and drastic" right turn to the curb and stopped behind a parked silver vehicle along the east curb line. Deputy Kubota stated he was about 100 yards away from the gold vehicle when he saw this

happen. Deputy Kubota stated he believed that there was only one person in the gold vehicle at that time.

Deputy Kubota stated the gold vehicle's movement was suspicious to him. He stated the (abrupt) movements caught his attention. Deputy Kubota drove past this vehicle and saw only one person inside of it. Deputy Kubota said he immediately identified the occupant as Mr. Grayson who was sitting in the front passenger seat. Deputy Kubota stated he never lost sight of this vehicle and stated no one had exited this vehicle. Deputy Kubota stated that as he passed this vehicle, Mr. Grayson made eye contact with him. Deputy Kubota felt Mr. Grayson's actions were highly suspicious given that Mr. Grayson was on parole and was driving with a suspended driver's license. Deputy Kubota felt Mr. Grayson was involved in some form of criminal activity.

Deputy Kubota stops behind Mr. Grayson's vehicle:

Deputy Kubota tried to make a u-turn to pull in behind Mr. Grayson's vehicle. The deputy was about 20 feet behind the vehicle with the front of the patrol car now angled toward the curb (which can best be described as a right angle to the rear of Mr. Grayson's vehicle).

Deputy Kubota turned on his rotating lights and was about to back up to complete the u-turn and pull in behind Mr. Grayson's vehicle when the deputy saw the passenger door open and saw Mr. Grayson step out with one leg outside of the vehicle. The deputy felt Mr. Grayson was about to flee on foot so the deputy exited his patrol car (with the patrol car still at the right angle in the street) and yelled at Mr. Grayson to stop and show his hands.

Mr. Grayson then got back into the vehicle and shut the passenger door. Mr. Grayson then laid across the front seat with his head towards the driver's door. The deputy stated Mr. Grayson was laying "out of his sight."

Deputy Kubota approached Mr. Grayson's vehicle and again ordered Mr. Grayson to show his hands and Mr. Grayson starts the engine:

When the deputy walked up to the driver's side door, the deputy saw that the windows were rolled up. The deputy drew his pistol and ordered Mr. Grayson to show his hands again. The deputy stated Mr. Grayson refused to comply and then reached up and started the engine.

Deputy Kubota stated he then walked past the driver's door by the driver's side front fender and door post. The deputy estimated he was standing approximately three feet from the front fender. Deputy Kubota again pointed his firearm at Mr. Grayson and ordered him to turn off the car and show his hands.

Deputy Kubota steps out of the way as Mr. Grayson begins to drive away:

Deputy Kubota stated that Mr. Grayson "accelerated the vehicle rapidly and turned the vehicle's front wheels to the left." Deputy Kubota stated he took a step back and the car accelerated forward. When the car went forward, Mr. Grayson collided with the rear of the car he (Grayson) was stopped behind. Deputy Kubota continued to scream at Mr. Grayson to stop the vehicle.

Mr. Grayson put the vehicle into reverse, backed up, and collided with the east curb. Deputy Kubota said as Mr. Grayson's car was backing up, the vehicle swung toward the street and the left front of the vehicle was pointed directly at him. The deputy further stated he was directly in front of the vehicle.

Deputy Kubota stated at the time he was positioned in front of the vehicle near the left headlight area, he "moved one step away" as the vehicle moved in reverse.

Deputy Kubota stated that as Mr. Grayson was backing up the vehicle, "if he had turned the wheel he may have hit me or clipped me with the vehicle."

The deputy stated Mr. Grayson put the vehicle into drive and immediately accelerated "rapidly" at him. Deputy Kubota stated, "I did not have time to fire a round." The deputy further explained that "he stepped out of the way of the vehicle." He added that if he had not moved, the vehicle would have struck him.

Deputy Kubota stated he was in fear for his own safety and "did not know if Grayson was attempting to flee or attempting to specifically strike him." Deputy Kubota repeated to the investigators that even though he stepped to the side he was still in danger.

Deputy Kubota shoots at the vehicle 16 times as it drives away:

Deputy Kubota stated as he stepped back he fired into the vehicle and continued firing *as the vehicle drove past him*. The deputy again stated as the *vehicle began to drive away*, the deputy began firing his weapon. He added that he continued firing as the car drove down Terners Drive at a high rate of speed. Deputy Kubota stated he continued to fire his weapon until his weapon ran dry.

When the deputy was asked how many shots he fired at the vehicle from his position at the side of the vehicle, Deputy Kubota stated, "As the vehicle passed, I fired all of my bullets, 16, as he was driving away."

Deputy Kubota was asked by the investigators why he fired his weapon after the vehicle passed him. The deputy said it was his belief that Mr. Grayson could have turned the wheel and hit him. The deputy stated he had no idea what Mr. Grayson's next action was going to be.

Deputy Kubota explained that as he was standing to the right of Grayson's vehicle he was still in fear for his safety. The deputy stated that Mr. Grayson could have put the vehicle into reverse and tried to hit him even after he fired his weapon at him. Deputy Kubota stated even after he stepped out of the way of the vehicle he was in continued fear for his safety.

Deputy Kubota stated he continued to fire his weapon and he was in fear of his life because "cars go in reverse." The deputy stated the vehicle continued to present a threat to him.

Once Deputy Kubota's weapon was empty, Deputy Kubota reloaded because Mr. Grayson could have turned around or put his car into reverse and run him over. Once Deputy Kubota reloaded, he did not continue to fire.

Note: All POST trained reasonable officers are trained to reload their firearms when their weapons are emptied.

Deputy Kubota was asked by [REDACTED] if he gave Mr. Grayson every opportunity to comply. The deputy responded that he gave Mr. Grayson too many opportunities and that he (Kubota) was a step away from being hit by the vehicle. The deputy stated that had he not reacted by moving, Mr. Grayson would have hit him. The deputy added there was no other effective way to stop the vehicle with less lethal force.

When Deputy Kubota was asked if when he was standing in front of the car, if the car accelerated before he moved? The deputy said he knew that Grayson was going to move the vehicle forward. Deputy Kubota explained that when Mr. Grayson put the car in drive, he (Kubota) stepped away.

Deputy Kubota stated that while he was firing at Mr. Grayson, the muzzle of his weapon was climbing as he was rapidly firing. The deputy added he had no hesitation in firing his weapon.

Deputy Kubota was [REDACTED] The deputy's public safety statement was taken:

After the shooting Deputy Kubota reported [REDACTED] from an unknown person.

██████████ arrived and took the deputy's public safety statement. Later during the investigation, ██████████ stated Deputy Kubota had drawn a diagram of the scene; however, ██████████ had destroyed that diagram.

Mr. Grayson was taken into custody at his home:

A short time later, Mr. Grayson was located in a home and was taken into safe custody without violence. Mr. Grayson had sustained gunshot wounds to his left arm. Mr. Grayson's vehicle was found in a parking lot with a front driver's side flat tire and numerous bullet holes in the driver's side of the vehicle and to the rear of the vehicle.

An explanation of where Deputy Kubota's rounds hit the vehicle:

Deputy Kubota fired 16 times. According to the Field Investigation Report from Senior Criminologist ██████████ of the California Department of Justice, Bureau of Forensic Services, item 23, Mr. Grayson's vehicle had nine (9) bullet impacts to the vehicle exterior. The impacts were: (1) to the trunk; (2) on the roof (back to front); and (6) along the driver's side of the vehicle. ██████████ did not opine on the shot sequence. Also noted was that the vehicle had a front driver's side flat tire. There were no bullet impacts to the front of the vehicle.

Investigator ██████████ wrote supplemental report number 35, item 33. Investigator ██████████ stated the Novato Police Department investigators located two (2) additional suspected bullet strikes found in the left front wheel well of Mr. Grayson's car. Investigator ██████████ stated NPD and DOJ personnel determined one of the bullet strikes deflated the tire.

The evidence shows Mr. Grayson's vehicle had a total of eleven (11) bullet strikes.

Main witness statements:

Witness ██████████ stated in the police report, item 1, that he was walking on the same side of the street that the deputy had pulled the car over. Witness ██████████ stated he was half a block away. Witness ██████████ could hear the deputy and the subject but could not hear what was being said. The deputy was standing at the driver's door with his gun out. The deputy stepped back a few feet and told the driver not to move the car. The driver turned the wheels to the left and moved "maybe a foot, at the most." The deputy then fired eight to ten shots, "...in a fan, moving from one side to another, like in a 90 degree turn. Literally erratic." Witness ██████████ said there were 15 to 20 kids in the park on either side of the park on either side of the street.

Witness ██████ stated the deputy's gun was pointed toward him as the deputy was shooting. Witness ██████ stated, "The shots went over my head and down the street." Witness ██████ stated it was impossible that the deputy's life was in danger because the deputy was standing at the driver's door, five to ten feet from the vehicle. He stated the deputy's life was never in danger. This witness added as the car kept moving away from the deputy on Terners Drive, the deputy continued to fire at the vehicle.

Witness ██████ said it was impossible that the driver was trying to strike the deputy as the deputy was standing to the side of the vehicle. Witness ██████ stated he did not see the deputy almost get hit by the vehicle. Witness ██████ added he never saw the car go backwards. He stated, "The deputy was shooting out the windows." Witness ██████ stated there was nothing blocking his view.

According to Mr. ██████ report, item 25, page 5, Finding number 20, Mr. ██████ and Detective ██████ performed a crime scene walkthrough of the area on September 28, 2013. At that time, the detective showed Mr. ██████ the various locations from where witness ██████ had reportedly viewed the shooting. Mr. ██████ stated he and the detective noted there were obstacles blocking ██████ view. Some of the obstacles were low hanging tree branches and a large apartment complex sign. Also, ██████ reported that ██████ wears glasses. See Detective ██████ original report, July, 7, 2013, page 12.

According to the S.I. report, item 76, Mr. ██████ was interviewed a second time on December 19, 2013. In the S.I. report Mr. ██████ was asked if he actually saw children in the street and parks. Mr. ██████ stated he didn't actually remember specifically seeing anyone on the sidewalk, as he was walking southbound on Terners Drive.

██████ explained to the S.I. investigator more about seeing the shooting by stating, "...was there a possibility he (Grayson) was trying to hit the officer with the car...I should say absolutely not. It would have been impossible for the man in the car to endanger the officer from where he was standing." When the investigator asked why, ██████ replied, "Because cars don't float sideways, the officer was constantly parallel to the driver's side door with his gun drawn."

██████ stated in the S.I. report that when he saw the shooting, he was walking southbound on the east side of Turners Drive and continued walking south as the incident unfolded.

██████ stated when he saw the officer draw his gun and tell the suspect not to move the car, he ██████ began to move towards the grass located southeast of the spot where he first noticed the incident.

██████████ said the shots started to go off as he was moving toward the spot on the grass where he got down. ██████████ stated, "I would have hit the ground almost as soon as the first shot got fired; I was too scared to even look. I turned my head so I wouldn't catch a stray."

██████████ stated he couldn't say with 100% certainty that he saw every shot that was being fired because he was going to the ground as the shots were fired. When asked how he knew the shots were being fired in his direction, he stated that he turned his head toward the street and there were still a few shots being fired.

Note: I am not making a credibility determination of any of the witnesses.

Witness ██████████ stated she was in the living room of their home when she heard gunshots. She looked out of the front bedroom window and saw the deputy still shooting the gun. She saw kids running across the street and heard a "mother yell for the kids to go home." Witness ██████████ stated she did not see the car (the deputy was shooting at). See item 1.

Witness ██████████ stated in the police report that she was driving and pulled to the curb near the park and the deputy made a sharp u-turn in the middle of the street behind Mr. Grayson's car.

The deputy got out of his car with his gun drawn. Witness ██████████ heard the deputy say, "Move and I will shoot." Witness ██████████ saw Mr. Grayson in the car and heard gunshots and saw the glass shattered. Mr. Grayson's car took off down the street. Witness ██████████ stated the deputy was *in the middle of the street* and fired two more shots at the car. Witness ██████████ stated it was chaos and that children were running in the street. Witness ██████████ stated the deputy started shooting as Mr. Grayson sped off. Witness ██████████ stated she never saw the deputy in front of Mr. Grayson's car.

According to the S.I. report, item 76, Witness ██████████ was interviewed again on July 17, 2013. In the S.I. report Ms. ██████████ stated the deputy was parallel to the driver's door of Mr. Grayson's vehicle, "but he was at a distance." Ms. ██████████ estimated the distance was about 10-12 feet. Ms. ██████████ reiterated that stated she never saw the deputy in front of Mr. Grayson's car.

Witness ██████████ stated in the police report that she was a passenger in the car with ██████████. Witness ██████████ stated she saw the deputy in the *middle of the street* and saw him fire two to three shots. Witness ██████████ got out of the car and helped get kids out of the street. See item 17.

According to the S.I. report, item 76, Witness [REDACTED] acknowledged that she did not see the entire incident. She did say she saw the deputy walking down the *middle of the street* towards the lines in the street.

[REDACTED] stated she was not sure how Mr. Grayson got his car out of the parking spot but knew he got out of there in a hurry. She added from her view, the officer was not in any danger of getting run over.

Witness [REDACTED] stated she was coming home from work (along the same street as the shooting). She heard shots and then saw the deputy shoot the driver's side window out (of Grayson's car). Witness [REDACTED] stated the car kept going and the deputy was running down the street shooting at the car. Witness [REDACTED] stated she was close to the car when the deputy shot out the driver's window. See item 14.

Witness [REDACTED] stated she saw the deputy "jump out of his car and run down the street shooting." See item 11.

Witness [REDACTED] stated she was on her computer in her home when she heard several "pops" outside. She looked out of her window which overlooks the playground and saw children hit the ground. See item 5.

Witness [REDACTED] stated in the police report, item 13, she was in her bedroom which faces Terners Drive. She saw the deputy drive up and "just jumped out of his car with his weapon drawn." She saw the deputy approach (Grayson's) car as it was "moving straight as if it was pulling away from the curb." The next thing Witness [REDACTED] knew was the deputy *was on the side of the car* firing. Witness [REDACTED] stated there were children in the middle of the street. Witness Thomas said the car (Grayson's) pulled away from the curb after shots were fired. Witness [REDACTED] stated the deputy approached the car "like you would approach it from the side" and then shots were fired.

Witness [REDACTED] stated she heard there was an Indian family that went to the substation and told the officers that they were throwing rocks at the deputy to get his attention to stop shooting because there were children playing outside. Witness [REDACTED] added, "Deputy Kubota could not hear them so they had to throw rocks at him." See item 13.

According to the S.I. report, item 76, Witness [REDACTED] was interviewed again on March 29, 2014. In the S.I. report she stated when she looked out of her window she saw the deputy get out of his car, pull his gun out, and "run" up to the side of Grayson's vehicle.

██████████ stated the deputy was about 2-3 feet from Grayson's vehicle. She added she did not see the deputy go any further than the driver's side door. She stated she never saw the deputy in front of Grayson's vehicle and did not believe that Grayson vehicle could have hit the deputy.

██████████ said the deputy started shooting as soon as the car began to move. She said the deputy was firing as the car pulled away.

██████████ corrected a portion of her original statement she gave when first interviewed by Detective ██████████. Detective ██████████ report said she had ran outside while the shots were being fired. She stated that was not right and added she saw the entire shooting. She stated the shooting stopped prior to her going downstairs and out into the street.

██████████ stated she saw the deputy *running down the middle of the street* after Mr. Grayson's car but lost sight of the car as it passed by.

Expert Witness ██████████ report of November 20, 2013:

The Novato Police Department and the Marin County District Attorneys' Office asked police use of force expert ██████████ to opine in this case. Mr. ██████████ opined in his six-page report that the shooting of Mr. Grayson by Deputy Kubota was proper and justified.

Deputy Kubota's statements during his S.I. interview on January 2, 2014, about stepping out of the way and shooting:

Deputy Kubota reiterated that he had stepped out of the way and said had he not stepped out of the way, he would have been hit. The deputy discharged his weapon in an attempt to stop Grayson's actions. The deputy stated Grayson clearly tried to assault him and was possibly going to continue to attempt to hit him.

Deputy Kubota stated he fired as Grayson's vehicle was next to him and as it passed him because he (the deputy) believed at any point, Grayson could have stopped and backed his vehicle up to strike him.

Deputy Kubota stated he was "vulnerable in the middle of the street." Deputy Kubota stated he continued down Terners Drive in an attempt to determine where Grayson's was going. Page 28 of the S.I. report.

On page 33, the deputy stated after he fired his last shot (as Mr. Grayson drove away), the deputy moved to the sidewalk.

When Deputy Kubota was asked if he could have run to the sidewalk on the west side of the street to remove the threat, the deputy said Mr. Grayson still could have hit him and that he did not think he would have had the time to do that.

According to the S.I. transcribed interview with Deputy Kubota on page 55 lines 12 – 20, the when the deputy was asked at what point when he followed after Mr. Grayson (in the street), did he move to the sidewalk? The deputy replied, "I did move to the sidewalk...pretty rapidly after that (shooting all his rounds). I mean I was running downhill...."

Note: Deputy Kubota's statements about running after Mr. Grayson in the middle of the street are inconsistent with the deputy's stated fear of Mr. Grayson either turning around and/or putting his car in reverse to run him over.

Deputy Kubota stated he felt even though Mr. Grayson's car had passed him, Grayson still had the ability to run him over. Deputy Kubota felt his life was in danger the entire time.

Deputy Kubota stated on page 31 of the S.I. report that when Mr. Grayson had first backed up and hit the curb, the deputy was in front of the car's front left bumper. The deputy stated he stepped out of the way and began firing at Grayson.

When Deputy Kubota was asked if he thought Mr. Grayson was just trying to get away, why didn't he (Kubota) just move out of the way when Grayson backed up? Deputy Kubota replied that he didn't think he could have because he was in the middle of the street and there was no position of cover where Grayson could not hit him. Deputy Kubota stated it was Grayson's movement of the vehicle that caused him (Kubota) to be in front of the car. The deputy stated he did not step in front of Grayson's vehicle. Page 31.

Note: Deputy Kubota's statement makes no sense since he repeatedly stated he had moved out of the way.

On page 32, Deputy Kubota stated he was aware of department policy about shooting at vehicles. He stated that "we are only allowed to shoot at a vehicle to prevent injury to our self or to others and it is a life or death situation."

When Deputy Kubota was asked if he was concerned about his rounds going into the Gateway Mall, the deputy replied he was not concerned. The deputy stated he did not see any bystanders in the area.

Mr. Grayson's attorney's statements' made during the S.I. investigation:

On January 14, 2014, Mr. Grayson's attorney [REDACTED] stated that Mr. Grayson would not make a statement. The lawyer added that it should not be necessary since "...vehicles don't move sideways."

My Findings and Opinions:

1. All professionally trained, POST certified, reasonable deputies know the importance of following the regulations, procedures, policies, and general orders of their agency, as well as the importance of adhering to POST standards and applicable case law.
 - 1.1. There Marin County Sheriff's Office has two main General Orders that have direct bearing in this case.
2. The Use and Discharge of Firearms, General Orders of the Marin County Sheriff's Office, Chapter 4 – Weapons, GO-04-03, in part states that firearms shall not be discharged "From or at a moving vehicle, except when necessary in the defense of the deputy's life or the life of another person."
 - 2.1. Additionally, this General Order states that the definition of Unjustifiable is "When the circumstances at the time of the discharge were not consistent with the provisions of this order, the discharge shall be classified as Unjustifiable."
 - 2.2. Related Standards include: Graham v. Conner and Tennessee v. Garner.
3. The Use of Force, General Orders of the Marin County Sheriff's Office, Chapter 4 – Weapons, GO-04-06, in part states that, "It is the policy of the Sheriff's Office that deputies shall use only that force which is reasonable, given the facts and circumstances known at the time of an event, to effectively bring an incident under control."
 - 3.1. Additionally, this General Order states that the definition of Unnecessary Force is, "Any use of force which is not reasonably necessary in light of the totality of information and circumstances confronting a deputy constitutes unnecessary force."
 - 3.2. This order also states that among some of the factors that are to be considered when using force are the availability of other options and potential for injury to citizens, officers, and suspects.

- 3.3. Related standards in these policies include but are not limited to:
Graham v. Conner, Tennessee v. Garner, and POST standards.
4. Even though Mr. Grayson pulled over to the curb and stopped on his own, based on the information Deputy Kubota had at that time concerning Mr. Grayson's parole status and that Mr. Grayson was driving with a suspended driver's license, Deputy Kubota was justified in pulling in behind Mr. Grayson and activating the patrol car's red lights thereby lawfully detaining Mr. Grayson.
- 4.1. Due to Mr. Grayson being on parole and due to his actions of changing seat positions, attempting to exit the car, and then laying down on the front seat, it was reasonable for Deputy Kubota to have drawn his firearm when he walked up to Mr. Grayson.
- 4.2. When Mr. Grayson reached up and started his car, Deputy Grayson was justified in pointing his weapon at Mr. Grayson and ordering him shut off the car and show his hands which, if the deputy was being truthful, Mr. Grayson refused to do.
- 4.3. At this point Mr. Grayson was lawfully detained and not free to leave.
- 4.4. The fact that Deputy Kubota had stopped his patrol car at a right angle behind Mr. Grayson's car has no bearing in this case. The positioning of Deputy Kubota's patrol car played no role in what occurred.
- 4.5. [REDACTED] and I are in agreement that Deputy Kubota was justified in attempting to detain Mr. Grayson at gun point based on the evidence.
5. When professionally trained, POST certified, reasonable deputies are faced with a known parolee who is refusing to show his hands and refusing to shut off the car's engine, reasonable deputies would back off, take cover behind the patrol car, call for back up, and once back up arrives conduct a high-risk, felony traffic stop per POST standards which Deputy Kubota failed to do. See POST standards, Learning Domain - Chapter 3: High-Risk Vehicle Pullovers.
6. On page 28 of the S.I. report, "Deputy Kubota described...*Grayson possibly reaching for a weapon....*" The deputy stated he "...did not know if Grayson had a weapon in his hand."
- 6.1. The stated possibility of Mr. Grayson reaching for and/or holding a weapon is new information not previously reported. The deputy did not report this to the investigators when he was first interviewed after the

shooting. If Deputy Kubota had felt that Mr. Grayson may have been possibly reaching for a weapon and/or holding a weapon that important information should have been reported when the deputy was first interviewed on July 8, 2013. Reasonable officers would have done so.

6.2. Even if Deputy Kubota was being honest about the possibility of there being a weapon, it does not alter my opinions in this case. Deputy Kubota's stated reasons for shooting Mr. Grayson were to stop the vehicle assault, not because Mr. Grayson may have had a weapon.

7. Rather than back off and call for back up, Deputy Kubota walked past the driver's door by the driver's side front fender and door post to a position about three feet in front the front fender of Mr. Grayson's car. (See Item 3, supplemental report number 22, page 3, 4th paragraph.)

7.1. Deputy Kubota's actions were below POST standards and were inconsistent with the accepted safety practices of a reasonable deputy.

8. All reasonable deputies know not to intentionally place themselves near and/or into the path of a suspect vehicle as exemplified by the following:

8.1. Mr. [REDACTED] is a retired deputy chief of the Las Vegas Metropolitan Police Department. [REDACTED] stated in a June 22, 2012, interview about police officers shooting at moving vehicles, "All too often we find an officer getting into a situation where they stand their ground in front of a vehicle and fire their weapon, instead of using common sense and *side-stepping out of the way.*"

8.2. [REDACTED] is a retired Los Angeles County Sheriff's Department sergeant with years of SWAT experience (the LASD the SWAT team is called the Special Enforcement Bureau or SEB) as well as years of experience teaching small arms combat tactics at the Advanced Officer Safety Training center sometimes called the "Laser Village" training center in East Los Angeles, California. [REDACTED] teaches that police officers are *taught not to intentionally place themselves into the path* of oncoming vehicles. He stated for example, that the Los Angeles Police Department as well as the Los Angeles County Sheriff's Department has strict rules against officers/deputies placing themselves in danger by stepping into the path of oncoming vehicles. Those policies state the officers/deputies are to move out of the way of the vehicles and *not to fire* at them.

8.3. I served 30 years with the Los Angeles County Sheriff's Department. I know that the LASD has had a long standing policy prohibiting deputies

from shooting at oncoming vehicles. The policy states in part that *deputies shall move out of its path* instead of discharging a firearm at it or its occupants. LASD MMP 3-10/220.00. Further the policy states that deputies shall not position themselves directly in front or behind a driver-occupied, stationary vehicle.

- 8.4. The Marin County Sheriff's Office, Use and Discharge of Firearms, General Orders, Chapter 4 – Weapons, GO-04-03, is consistent with these other agencies' policies and consistent with the opinions expressed by these other experts.
9. When Mr. Grayson turned the front wheels to the left and accelerated, Deputy Kubota stepped back out of the way. The deputy admitted he was unsure of Mr. Grayson's intent. The deputy did not know if Mr. Grayson was fleeing or trying to strike him (Kubota).
 - 9.1. Mr. [REDACTED] agreed in his report, opinion #7, that the deputy stepped back to avoid being hit.
 - 9.2. Witness [REDACTED] statement about the deputy stepping back is consistent with the evidence.
10. Deputy Kubota was not stuck by Mr. Grayson's car because the deputy had stepped back out of the way as the car drove off. The fact that the deputy was not hit by the car is proof that he was out of the way and not in danger of being struck.
11. As the car accelerated, Deputy Kubota stated he was in fear of his life and began firing his weapon into the driver's side and then into the rear of the vehicle as the vehicle past by him.
 - 11.1. The evidence shows there were bullet strikes to the driver's front tire and wheel well, along the side of the car, and to the rear of the car. See the DOJ forensics services report of bullet strikes by criminologist Ms. Evans, Item 23; Report by Investigator [REDACTED] supplemental report number 35, item 33; Report by Criminalist II, [REDACTED] re: the two bullet strikes to the front wheel well, item 34; and the additional DOJ forensics services report of bullet strikes by criminologist [REDACTED] item 35.
 - 11.2. Because Deputy Kubota had stepped back out of the way as Mr. Grayson began driving away, Deputy Kubota was not in any danger of being hit by the car.

12. After Mr. Grayson passed by the deputy and was driving away from the deputy, the deputy continued to fire his weapon until all 16 bullets had been fired. The evidence shows there were numerous bullet strikes to the rear of the car. See the DOJ forensics services report of bullet strikes by criminologist Ms. [REDACTED] item 23.

12.1. Deputy Kubota was not in any danger from this car being driven away from him.

13. It was fortunate that Mr. Grayson was able to keep control of his vehicle after being shot and that none of the children reportedly playing in the area were run over. It was also fortunate that no one else was hit by Deputy Kubota's gunfire.

14. Because Mr. Grayson was driving away from the deputy, the deputy was in no danger.

14.1. Deputy Kubota did state that he was concerned about Mr. Grayson going into reverse.

14.2. Deputy Kubota stated to Detective [REDACTED] in Item 3, supplemental report 22, page 3, and in the S.I. report, that after reloading his pistol he ran down Terners Drive after Mr. Grayson's vehicle and transmitting over his radio that there were shots fired.

14.2.1. If a reasonable officer is concerned about a vehicle going into reverse and running him over, that reasonable officer would not run after the car in the middle of the street. Doing so is inconsistent with the fear/concern that this vehicle may go into reverse. Deputy Kubota was worried about what may happen, not what was actually happening.

15. Based on the evidence, Deputy Kubota was not in immediate danger of being killed or seriously injured by the Pontiac when he shot Mr. Grayson. Further, the evidence shows Mr. Grayson did not threaten either deputy or anyone else with his car.

16. Deputy Kubota stated to the investigators that he had no hesitation in firing his weapon.

16.1. A reasonable deputy *would have* hesitated because this shooting should never have happened. There was no justification for it.

17. Deputy Kubota already had his weapon out of his holster and pointed at Mr. Grayson and the deputy had already stepped back to avoid being hit when he fired. The issue of perception and reaction time of officers in tactical situations (as being from 1 to 1.5 seconds) that is sometimes relevant in shooting cases is not relevant in this case.
18. The 2006 Model Policy as well as the Use of Force Concept and Issues Paper of the International Association of Chiefs of Police (IACP) states: "Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out its path instead of discharging a firearm at it or any of its occupants." "In many cases involving the discharge of firearms at a moving vehicle, it is based on the contention that the driver was intentionally attempting to run the officer down. One of the simplest alternatives to the use of a firearm in this instance is to move out of the way of the vehicle's path and seek cover." "Moreover, should the driver be wounded or killed by shots fired, the vehicle will almost certainly proceed out of control and could become a serious threat to officers and others in the area."
- 18.1. The Marin County Sheriff's Office, Use and Discharge of Firearms, General Orders, Chapter 4 – Weapons, GO-04-03, are consistent with this Model Policy.
19. Deputy Kubota's stated fear of being hurt or killed by Mr. Grayson's car was unreasonable since Deputy Kubota was not only out of the way of the car but also ran after *it the middle of the street*.
- 19.1. Unreasonable fear is "...any fear in an officer's mind that has no direct correlation with the evidence or the situation at hand" (IACP, Fear, It Kills)."
20. According to POST standards, Learning Domain 20, Chapter 3, sections 3-3, 3-4, and 3-5 – Use of Deadly Force states in part: "...fear alone does not justify the use of deadly force" and "The person must not act under the influence of fear alone." POST standards state that "An officer may use deadly force to protect oneself or others when the officer has the objective and reasonable belief that his life, or the life of another, is in imminent danger of death or serious physical injury based on the totality of the facts known to the officer at the time." "The use of deadly force is the most serious decision a peace officer may have to make. Such a decision should

be guided by the *reverence for human life* and, used only when other means of control are unreasonable or have been exhausted."

21. "A simple statement by an officer that he fears for his safety or the safety of others is not enough; there must be objective factors to justify such a concern" (Deorle v. Rutherford).
22. Deputy Kubota's shooting into the side of Mr. Grayson's car and then into the rear of Mr. Grayson's car as it was driving away was excessive, unreasonable, out of policy (Marin County Sheriff's Office General Orders), and completely avoidable, especially because Mr. Grayson posed no immediate threat of death or serious bodily injury at the time of the shooting.
 - 22.1. Under the evidence in this case, no reasonable officer could believe that using such extreme force was lawful.
23. Mr. [REDACTED] opined that Deputy Kubota was justified in shooting Mr. Grayson.
 - 23.1. Mr. [REDACTED] opinion that the shooting was justified makes no sense since Mr. [REDACTED] stated the deputy had stepped out of the way of the car.
 - 23.2. Mr. [REDACTED] opined that "Lesser force options were not reasonable or appropriate to stop Grayson's assault." Based on the evidence, no force at all was reasonable or appropriate. The deputy had moved out of the way.
 - 23.3. Mr. [REDACTED] stated in his 17th finding that Deputy Kubota's shell casings at the scene indicate that all 16 rounds were fired from the immediate vicinity of where the initial vehicular assault took place.
 - 23.4. The evidence shows there was no vehicle assault. The evidence shows Mr. Grayson simply fled the deputy.
 - 23.5. In my view, Mr. [REDACTED] finding is of little value. It is not reasonable to draw any conclusions about the shooting positions of Deputy Kubota based on where his shell casings were found.
 - 23.5.1. According to the article "Fired Cartridge Case Ejection Patterns from Semi-Automatic Firearms" in the Investigative Sciences Journal, dated November 2010, by Doctors Lewinski and Hudson, at least 25% of the shell casing fired from pistols are located in areas other than to the right and rear of the shooter.

23.6. [REDACTED] stated that Deputy's pistol could be fired and emptied of all 16 rounds in seconds. That is true of all pistols with standard magazines. [REDACTED] findings are of no relevance.

23.7. [REDACTED] did not compare Deputy Kubota's shooting to the General Orders of the Marin County Sheriff's Office, or considered the case law of Tennessee v. Garner which is a part of the General Orders.

24. Investigator [REDACTED] wrote supplemental report number 35, item 33. Investigator [REDACTED] stated the Novato Police Department investigators located two additional suspected bullet strikes found in the left front wheel well of Mr. Grayson's car. Also see [REDACTED] report, item 33.

24.1. Investigator [REDACTED] stated NPD and DOJ personnel determined one of the bullet strikes deflated the (front driver's side) tire.

24.2. Even if Deputy Kubota was in front of the car at one point, and even if the evidence shows he fired into the tire/wheel well (Mr. [REDACTED] reported the shot was to the sidewall, as did [REDACTED] when the tire was turned to the left, at that point, based on the deputy's repeated statements that he had stepped back out of the way and then opened fire, coupled with the statements by Witnesses [REDACTED] in my view the shooting remains out of policy.

24.3. If it is proven that the deputy's two rounds fired into the tire/wheel well were in fact justified, the remaining rounds fired into the side of the car and then into the rear of the car, including the round(s) that hit Mr. Grayson, were not because the deputy had moved out of the way.

25. The evidence continues to show Mr. Grayson's car posed no immediate threat of death or serious bodily injury to Deputy Kubota or anyone else at the time of the shooting.

The following are my qualifications for reviewing, consulting, and issuing opinions:

See attached CV.

Signature:

I declare under penalty of perjury that the foregoing is true and correct.
Executed May 13, 2014, at Valencia, California.

[REDACTED]
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X [REDACTED]



MARIN COUNTY SHERIFF'S OFFICE
BUREAU OF FIELD SERVICES
INVESTIGATIONS DIVISION

May 5, 2014

TO: Sheriff Doyle (via chain of command)

FROM: Lieutenant [REDACTED]

SUBJECT: Special Investigation #13-10

I have read and reviewed the attached Special Investigation (S.I. 13-10) conducted by Sergeant [REDACTED]. The Special Investigation was initiated after Marin County Sheriff's Deputy Evan Kubota was involved in an officer involved shooting (OIS) in Marin City. During the investigation, Sergeant [REDACTED] conducted a parallel investigation with Novato Police Department who conducted the Criminal and OIS investigation. Sergeant [REDACTED] was able to be present during several of the interviews of witnesses that were done by Novato PD. Sergeant [REDACTED] was not present during Novato PD's interview with Deputy Kubota. Sergeant [REDACTED] conducted a separate interview with Deputy Kubota and his attorney. Sergeant [REDACTED] accompanied Sergeant [REDACTED] during this interview.

I also reviewed the expert opinion submitted by [REDACTED] from Police and Jail Procedures, Inc.

After careful examination, it is clear that the investigation was conducted in accordance with the Sheriff's Office General Order GO-02-14, Special Investigation. I have come to the following conclusions:

In respect to the allegations to Deputy Evan Kubota, the potential violations are:

- **PMR 20.1.A**

Each officer, official, and employee, has an obligation to the citizens, to the people's elected representatives, and to fellow employees to meet the highest ethical and professional standards and to enhance the public's respect and trust for county government and its operations.

After reviewing the investigation, the violation is sustained.

- **PMR 20.1.B**
Employees of the County of Marin have responsibilities unique from their counterparts in private industry. Employment with the county carries an obligation of personal integrity and conduct that serves to establish public respect, confidence, and trust.
After reviewing the investigation, the violation is sustained.
- **PMR 20.1.D.4**
The County, as a condition of employment, expects to receive from the employee; compliance with all policies, regulations, rules of conduct and ordinances established by the county.
After reviewing the investigation, the violation is sustained.
- **PMR 20.1.D.5.A**
Responsible work habits demonstrated by dependability, promptness, reliable attendance and performing required duties completely.
After reviewing the investigation, the violation is sustained.
- **Rules and Regulation 104.09**
Deputy Sheriff's shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.
After reviewing the investigation, the violation is sustained.
- **Rules and Regulation 106.03**
Deputy Sheriff's shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel
After reviewing the investigation, the violation is sustained.
- **General Order 04-03- *Use and Discharge of Firearms***
It is the policy of the Marin County Sheriff's Office that deputies should exhaust all other reasonable and lawful means of discharging their duties before resorting to the use of firearms.
After reviewing the investigation, the violation is sustained.
- **General Order 04-06- *Use of Force***
It is the policy of the Sheriff's Office that deputies shall use that force which is reasonable, given the facts and circumstances known at the time of an event, to effectively bring an incident under control.
After reviewing the investigation, the violation is sustained.

I find the above listed violations sustained based upon the actions of Deputy Kubota on July 7th, 2013. In summary, Deputy Kubota fired his department issued weapon at a suspect, Mr. Grayson, whom was driving a vehicle he (Deputy Kubota) was attempting to affect a traffic stop on. Prior to the shots being fired by Deputy Kubota, his actions should be a cause for concern.

While initially attempting to place his vehicle in a position to affect a traffic stop, Deputy Kubota saw Mr. Grayson appear to attempt to flee out the passenger side of his vehicle. This caused Deputy Kubota to park his vehicle at a 45 degree angle to the curb and leave his driver's side door now exposed facing the rear of Mr. Grayson's vehicle. Deputy Kubota found himself in a position as to where he needed to quickly give Mr. Grayson verbal commands as to not flee his vehicle. It should also be noted that due to officer safety reasons the position Deputy Kubota parked his patrol vehicle is not taught in the Basic Police Academy or in the Field Training Program at the Marin County Sheriff's Office.

At the point Deputy Kubota felt Mr. Grayson, whom he admits he knows as a violent parolee, was reaching for a potential weapon he should have placed himself in a position of cover and concealment and request additional units. By making the decision to approach the vehicle on foot and placing himself at the front bumper of the vehicle, Deputy Kubota decision making now created another concern for his officer safety tactics.

While at the front bumper of the vehicle, Deputy Kubota stated that Mr. Grayson accelerated the vehicle, which caused Deputy Kubota to step out of the way of the vehicle and avoid being hit. Mr. [REDACTED] states in his opinion, "The fact that the deputy was not hit by the car is proof that he was out of the way and not in danger of being struck." Furthermore, Mr. [REDACTED] states, "Deputy Kubota avoided being injured because he stepped out of the way of the car, not because he shot Mr. Grayson."

When looking at the trajectory analysis submitted by the San Mateo County Sheriff's Office, their report corroborates Deputy Kubota's statement that he was at the side of Mr. Grayson's vehicle when he fired his weapon. Furthermore, additional rounds were fired at the rear and roof of Mr. Grayson's vehicle as it sped away from Deputy Kubota. Deputy Kubota stated that he continued to fire at Mr. Grayson for fear that he (Mr. Grayson could turn around or put the vehicle in reverse and hit him (Deputy Kubota). This scenario in all likelihood is unrealistic as Deputy Kubota would again have ample time to make the decision to get out of the way should the vehicle come back in his direction.

I submit this case to Captain [REDACTED] for further review.

Respectfully submitted,

[REDACTED]
Lieutenant [REDACTED]



MARIN COUNTY SHERIFF'S DEPARTMENT
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CA 94903

ROBERT DOYLE
SHERIFF

TO: Sheriff Robert T. Doyle, via Undersheriff [REDACTED]

From: Capt. [REDACTED]

Date: May 14, 2014

Re: Special Investigation 13-10

I have read and reviewed Special Investigation 2013-10 completed by Sgt. [REDACTED] I find the investigation to be complete and thorough. Additionally I concur with Lt. [REDACTED] findings.

The evidence is clear that on July 7, 2014 Deputy Kubota had information that Mr. Chaka Grayson, a California Department of Corrections parolee, was driving a motor vehicle on a suspended driver's license. Deputy Kubota lawfully detained Grayson by pulling his patrol vehicle in behind Grayson's vehicle and activated his overhead red light. It is from this point forward that Deputy Kubota begins to make decisions that compromises his safety and the safety of the public in the area. Deputy Kubota positions his vehicle at an angle that is considered a poor tactical position. However, because of the Grayson's potential for flight Deputy Kubota was forced to exit his vehicle quickly. Deputy Kubota states that as he approached Grayson, he laid down on the front car bench seat so that Grayson was out of Deputy Kubota's view. Deputy Kubota states that Grayson was not following his commands. Believing Grayson was reaching for weapon Deputy Kubota drew his firearm. To this point, Deputy Kubota still had not advised dispatch of his location or that he was on a traffic stop with a California Department of Corrections parolee, who he now believes is reaching for a weapon and a potential flight risk. By now, Deputy Kubota should have retreated to cover, notified our Communications Center and called for backup. That did not occur. Deputy Kubota continued to walk towards the vehicle with Grayson out of sight and believing he was reaching for a weapon, and went to the driver's side door of Grayson vehicle. As he did this, he continued to give Grayson commands, which Grayson did not follow. Again, another reason to retreat to cover, notify the Communications Center and request backup.

Deputy Kubota observes Grayson reach up and use his hand to start his vehicle. Again, this is another reason to retreat to cover. Deputy Kubota makes the decision to walk past the driver's side door to the front of the vehicle by the front driver's side fender. Deputy Kubota states that it was clear to him once Grayson started his vehicle he was

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going to flee. A reasonable deputy sheriff would not then continue towards the front of the suspect vehicle. Once Grayson placed the vehicle into drive, Grayson accelerated the vehicle forward causing him to strike the sedan in front of him. Deputy Kubota states at this time he stepped out of the way of the vehicle to avoid being hit because Grayson's front tires were turned to the left, which was towards Deputy Kubota. Grayson backed his vehicle up and then drove off. Deputy Kubota states, "I had to step out of the way." This is a key statement, because Deputy Kubota is not in danger of being struck by Grayson's vehicle. However, Deputy Kubota makes the decision to use lethal force on Grayson and he began to fire 16 rounds at Grayson's vehicle as Grayson drove past him and down the street away from him.

The investigation clearly shows that Deputy Kubota made poor tactical decisions from the beginning of his encounter with Grayson. It is also clear that Deputy Kubota states that he stepped out of the path of Grayson's vehicle so he would not be hit, but he makes the decision to use lethal force and fire his firearm at Grayson 16 times as Grayson drove past him and away. Deputy Kubota further stated that he feared Grayson could have put his vehicle in reverse or turned it around. Deputy Kubota had ample time to retreat, seek cover, and place himself out of any potential path of Grayson's vehicle.

I recommend the allegations against Deputy Kubota be closed with the following findings:

- **PMR 20.1.A**

Each officer, official, and employee, has an obligation to the citizens, to the people's elected representatives, and to fellow employees to meet the highest ethical and professional standards and to enhance the public's respect and trust for county government and its operations.

After reviewing the investigation, the violation is SUSTAINED.

- **PMR 20.1.B**

Employees of the County of Marin have responsibilities unique from their counterparts in private industry. Employment with the county carries an obligation of personal integrity and conduct that serves to establish public respect, confidence, and trust.

After reviewing the investigation, the violation is SUSTAINED.

- **PMR 20.1.D.4**

The County, as a condition of employment, expects to receive from the employee; compliance with all policies, regulations, rules of conduct and ordinances established by the county.

After reviewing the investigation, the violation is SUSTAINED.

- **PMR 20.1.D.5.A**

Responsible work habits demonstrated by dependability, promptness, reliable attendance and performing required duties completely.

After reviewing the investigation, the violation is SUSTAINED.

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- **Rules and Regulation 104.09**

Deputy Sheriff's shall at all times conduct themselves in a manner, which does not discredit the peace officer profession or their employing agency.

After reviewing the investigation, the violation is SUSTAINED.

- **Rules and Regulation 106.03**

Deputy Sheriff's shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel

After reviewing the investigation, the violation is SUSTAINED.

- **General Order 04-03- *Use and Discharge of Firearms***

It is the policy of the Marin County Sheriff's Office that deputies should exhaust all other reasonable and lawful means of discharging their duties before resorting to the use of firearms.

After reviewing the investigation, the violation is SUSTAINED.

- **General Order 04-06- *Use of Force***

It is the policy of the Sheriff's Office that deputies shall use that force which is reasonable, given the facts and circumstances known at the time of an event, to effectively bring an incident under control.

After reviewing the investigation, the violation is SUSTAINED.

Based on Deputy Kubota's conduct during this incident, I am recommending that he be terminated by the Marin County Sheriff's Office.

I am available to discuss this matter more fully should you wish.

Respectfully Submitted

Sheriff's Captain



MARIN COUNTY SHERIFF'S OFFICE

3501 Civic Center Drive, Room 145, San Rafael, CA 94903

ROBERT T. DOYLE
Sheriff - Coroner
MICHAEL J. RIDGWAY
Undersheriff

June 18th, 2014

Deputy Evan Kubota



Reference: Notice of Intent to Discipline / SI 2013-10

Deputy Kubota,

I. INTRODUCTION

Pursuant to County of Marin Personnel Management Rule 47.6 C, and based on the facts uncovered in Special Investigation 2013-10, I am informing you of my recommendation that you be disciplined by having your employment with the Marin County Sheriff's Office terminated. The conduct described herein gives the Sheriff's Office just cause for discipline pursuant to the following sections of the Personnel Management Regulations, which state in pertinent part:

PMR No. 47.3 – Grounds for Disciplinary Actions

A. The maintenance of regular status in the Merit System by an employee requires appropriate behavior and competent service. Any regular employee is subject to disciplinary action, including dismissal, suspension, reduction in compensation, demotion, written warning, and oral warning. Listed below are examples of causes which will be deemed sufficient for such action by the appointing authority. Grounds for disciplinary action are not limited to the examples enumerated below:

5. Incompetence, i.e. inability to comply with the minimum standard of performance of an employee's position for a significant period of time.
6. Inefficiency or inexcusable neglect of duty, i.e. failure to perform duties required of an employee within his or her position, or wasting time, energy, or materials.

AREA CODE 415

24-HOUR NUMBER
473-7233

FAX
473-4126

ADMINISTRATION
473-7250

CIVIL
473-7282

COMMUNICATION
SERVICES
473-7243

CORONER
473-6043

COURTS
473-7393

EMERGENCY
SERVICES
473-6584

INVESTIGATIONS
473-7265

JAIL
473-6655

MAJOR CRIMES
TASK FORCE
884-4878

PATROL
473-7233

RECORDS
473-7284

WARRANTS
473-7297

11. Any action which indicates a lack of concern for injury to him or herself, or others.
24. Willful violation of any of the provisions of the Merit System, these Personnel Management Regulations, County rules or departmental rules, regulations, policies and procedures.

The recommended discipline is based upon findings that your actions violated the rules, regulations, policies, and procedures described in Section III, Sub-Section A, below. However, my recommendation that your employment be terminated is not predicated upon a determination that you have in fact committed all of the identified acts, or that you have violated all of the rules, regulations, policies, and procedures set forth in this Notice. Commission of any one of the acts and/or breach of any one of these rules, regulations, policies, and procedures would support my recommendation that you receive the same level of discipline.

II. FACTUAL BASIS FOR DISCIPLINE

Investigation 2013-10 (attached) was initiated as a result of your decision to use deadly force in attempting to affect the arrest of Chaka Ali Grayson, who you'd tried to detain for driving on a suspended license, a misdemeanor violation of Vehicle Code Section 14601.1(a), what you assert was an assault with a deadly weapon, a felony violation of Penal Code Section 245(c), and resisting arrest, a misdemeanor violation of Penal Code Section 148(a).

On Sunday, July 7th, 2013, you were assigned to a patrol position and stationed out of the Southern Marin Patrol District. At approximately 1748 hrs., your attention was drawn to a vehicle that was driving towards you, but suddenly made a turning movement to the right, before abruptly parking along the curb in the area of 10 Terners Drive, Marin City.

As you approached the area where the vehicle had parked, you noted the sole occupant of the car was Chaka Ali Grayson. You had prior knowledge Grayson was on parole from the California Department of Corrections and Rehabilitation and that his driving privilege was suspended. You also noted Grayson had moved from the driver's seat to the front passenger's seat, perhaps in an effort to appear as if he had not been driving the car.

You made the decision to detain Grayson for driving on a suspended driver's license and attempted to execute a U-turn so as to position your patrol car behind Grayson's parked vehicle. Because of the width of the roadway, you were only able to affect one leg of that U-turn before you noticed Grayson had opened the passenger door, placed one foot on the ground, and looked to be getting ready to flee. At the time, you had your emergency light bar activated, but not your siren.

With the nose of your patrol car pointed towards the curb at a 45 degree angle, you exited your vehicle and ordered Grayson to stay in his car and shut the door. In response, you saw Grayson close his passenger door and lay down across the front seat, removing him from your view. Believing he might have been reaching for an unseen weapon, you drew your service pistol and began to walk towards the driver's door of Grayson's car.

While you were approaching Grayson's car, you gave repeated verbal commands for Grayson to show you his hands, but to no avail. At one point, you saw Grayson reach up from his prone position on the front seat to start the car's engine. You saw him begin to sit up in the seat, at which time you ordered him to stop and show you his hands.

Your reaction to Grayson having ignored your orders to stop, show you his hands, and to starting the car's engine was to continue giving verbal commands and to continue moving towards the front of Grayson's now running vehicle. You said you positioned yourself just forward of the driver's door when Grayson suddenly tried to pull away from the curb.

In so doing, Grayson's vehicle struck the rear bumper of a car that was parked in front of it, causing Grayson to put his car in reverse, turn the steering wheel to the right, and accelerate backwards in order to try and eventually clear that parked car and affect his escape.

Because of your position standing just forward of Grayson's driver's door, his backing and turning movement caused the left front fender of his car to swing toward you, and when his vehicle came to a stop, you were now positioned farther forward of the driver's door than you had been before. You looked Grayson in the eye and ordered loudly for him not to move.

Grayson ignored that order, turned the steering wheel to the left, and accelerated rapidly away from the curb. You said you feared if you did not stop Grayson, his car would have struck you, so you chose to fire your duty pistol at Grayson and his vehicle, which you did sixteen times.

Grayson was able to affect his escape, accelerating rapidly down Terners Drive. At the intersection of Terners Drive and Donahue Street, Grayson made a right hand turn, but in the process struck the concrete median running down the center of Donahue Street with his left front tire.

You followed Grayson's path of travel on foot so you could advise responding deputies where he'd last been seen. Ultimately, Grayson's car was located in the 200 Lot of Drake Ave., although it had been abandoned by the time of that discovery.

You returned to the scene of the shooting and were later [REDACTED] [REDACTED] by someone hiding in the large and angry crowd that had

formed immediately after your shots had been fired. Grayson was eventually captured by other deputies and was found to be suffering from multiple gunshot wounds to his upper left arm.

Grayson's vehicle was found to have twelve (12) distinct bullet impact sites, although it is possible more than 12 bullets hit the car as both the left side front and rear passenger windows were shot out as well.

The Novato Police Department conducted a criminal investigation focusing on both Grayson's actions in fleeing the scene of your detention and the assault you suffered when you were struck in the face by the rock thrown from within the gathered crowd of onlookers.

As part of that investigation, the Novato Police Department retained the services of Mr. [REDACTED] of BVB & Associates to review your decision to use deadly force to affect the arrest of Chaka Ali Grayson. In answering the question, "Was the level of force used by Deputy Kubota in his attempt to arrest Chaka Grayson reasonable," [REDACTED] answered, "yes," although I note the scope of Novato's investigation was limited to determining potential criminal culpability, not matters of policy or procedure.

The Novato Police Department's criminal investigation was subsequently submitted for review to the Marin County District Attorney's Office, who later cleared you of criminal misconduct in your decision to discharge your firearm at Grayson and his vehicle while attempting to affect his arrest.

That same review by the District Attorney's Office also resulted in a four-count misdemeanor complaint being filed against Grayson. In that filing, the District Attorney's Office alleged Grayson:

- Failed to comply with the lawful order of a peace officer, a violation of Vehicle Code Section 2800(a),
- Resisted , delayed or obstructed a peace officer, a violation of Penal Code Section 148(a)(1),
- Drove with privileges suspended or revoked for drunk driving with a prior conviction, a violation of Vehicle Code Section 14601.2(a), and
- Drove with privileges suspended or revoked for refusing chemical test or driving with excessive blood alcohol, a violation of Vehicle Code Section 14601.5(a).

The District Attorney's Office declined to file a charge of assault with a deadly weapon against Grayson, that weapon being his car, stating there was insufficient evidence to prove that allegation beyond a reasonable doubt.

What followed were weeks of community discord in Marin City, highlighted by a large public protest calling for an end to racism in the Sheriff's Office, with protestors carrying signs that read, "Driving While Black/Brown Is Not A Crime" and others that called for the removal of Sheriff Doyle from Office.

In addition, reaction to your decision to use deadly force to affect Grayson's arrest has also led to a renewed effort to compel the formation of a Sheriff's Office Citizen's Oversight Committee, whose members would have the authority to conduct independent reviews of Sheriff's Office activities, including the power to compel testimony by Sheriff's Office employees, and to render final judgment as to the appropriateness of those actions.

III. ANALYSIS

A. Applicable County Policy Language

Your conduct, as described in Section II, violates the following Marin County Personnel Management Regulations (PMRs) and Marin County Sheriff's Office Rules and Regulations (policies attached), which provides a sound basis for discipline, pursuant to PMR 47.3:

MARIN COUNTY PERSONNEL MANAGEMENT REGULATIONS

PMR No. 20.1.A: Each officer, official, and employee has an obligation to the citizens, to the people's elected representatives, and to fellow employees to meet the highest ethical and professional standards and to enhance the public's respect and trust for County government and its operations.

PMR No.20.1.B: Employees of the County of Marin have responsibilities unique from their counterparts in private industry. Employment with the County carries an obligation of personal integrity and conduct that serves to establish public respect, confidence, and trust.

PMR No. 20.1.D.2: The County, as a condition of employment, expects to receive from the employee cooperative, positive, responsive, and courteous relations with fellow employees, supervisors, and the public.

PMR No. 20.1.D.4: The County, as a condition of employment, expects to receive from the employee: compliance with all policies, regulations, rules of conduct and ordinances established by the County.

PMR No. 20.1.D.5.A: Responsible work habits demonstrated by dependability, promptness, reliable attendance and performing required duties competently.

SHERIFF'S OFFICE RULES, REGULATIONS, POLICIES, AND PROCEDURES

104.09: Deputy Sheriffs shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

106.03: Deputy Sheriffs shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

General Order 04-03: Firearms will only be discharged under the following circumstances:

- At an approved range or under the direction of the Rangemaster or his/her designee.
- When killing seriously injured or dangerous animals where other disposition is impractical.
- When necessary in the defense of the deputy's life, or to prevent serious injury to his/her person.
- When necessary in the defense of another person's life, or to prevent serious injury to that person.
- When necessary to affect the capture of a fleeing felony suspect, when, and only when, the felony is of the violent variety, i.e., a forcible and atrocious one which threatens death or serious bodily harm.

Firearms shall not be discharged under the following circumstances:

- As a warning
- To effect the capture of a misdemeanor suspect.
- From or at a moving vehicle, except when necessary in the defense of the deputy's life, or the life of another person.
- When the deputy has reason to believe, based upon attendant circumstances that the discharge may endanger the lives of passers-by or other persons not involved in the crime, and the deputy's life, or another person's life is not in imminent danger.

General Order 04-06: It is the policy of the Marin County Sheriff's Office that deputies shall use only that force which is reasonable, given the facts and circumstances known at the time of an event, to effectively bring an incident under control.

While various levels of force exist, each deputy is expected to respond with only that level of force, which reasonably appears appropriate under the circumstances at the time to successfully accomplish a legitimate law enforcement purpose in accordance with this policy.

B. Rationale for Decision

Based on the facts contained in Section II, above, and in consideration of the information gleaned from your interview with Sergeants [REDACTED] and [REDACTED] the witness interviews conducted by Sergeant [REDACTED] and a review of all the relevant documents and recordings that were collected, I find the following:

Your conduct during the initial stop of Grayson's vehicle was negligent:

On Sunday, July 7th, 2013, you attempted to make what has been clearly established to be a lawful detention of Chaka Ali Grayson for driving on a suspended license, a misdemeanor violation of Vehicle Code Section 14601.1(a). At the time of that detention, you were already aware Grayson was on parole from the California Department of Corrections and Rehabilitation, had a suspended driver's license, and a long and extensive criminal history involving both violent and non-violent offenses.

In the process of that detention, Grayson appeared to be readying himself to flee your traffic stop on foot, having opened the passenger door of his vehicle and having placed one foot on the ground. Those obvious signs of potential flight caused you to have to leave your patrol vehicle parked at an awkward 45 degree angle to the curb some 15-20 feet away from the rear of Grayson's car so you could give him verbal commands to stay in his vehicle.

Those initial verbal commands were successful, in that Grayson pulled his leg back into the car and shut the door. He then quickly lay down across the front seat, disappearing from your view. Fearing Grayson might be reaching for an unseen weapon, you drew your service pistol, gave him verbal commands to show you his hands, and began to approach his vehicle from the left rear.

You told Sgt. [REDACTED] "So at this point, I had no visibility on him and so I approached on the driver's side of his vehicle with my weapon drawn." You said, "My initial concern was he was going back for a weapon." In fact, you told Sgt. [REDACTED] you couldn't think of any other reason Grayson would have hidden like he did.

I find your decision to approach Grayson's vehicle rather than to seek a position of cover and concealment from which you could summon additional assistance from a position of relative safety was flawed in the extreme. This is because of your prior knowledge of Grayson's violent criminal history, the observations you made at the onset of the traffic stop, and your belief that Grayson must have been attempting to retrieve a weapon,

Throughout the Basic Law Enforcement Academy, there is focused attention paid to the principles of officer safety, including teaching the need to consistently re-evaluate the situation an officer is facing to ensure prudent

courses of action are taken that reduce the risk of injury to the officer and/or the subject being contacted.

In fact, the California Commission on Peace Officer Standards and Training Regular Basic Course Learning Domain 22 is wholly devoted to such tactical decision making, including the requirement that an officer demonstrate the ability to understand when a high risk traffic stop is appropriate, and to show an ability to safely carry such a stop out.

That focus on demonstrating the ability to safely conduct high risk traffic stops is shared by the Marin County Sheriff's Office's Field Training Program as well.

In fact, Field Training Program Instructional Guide #32 illustrates step by step instructions for carrying out a high risk, or "felony" vehicle traffic stop. Nowhere in that guide is it recommended that a deputy approach the stopped car on foot before ensuring all of the vehicles occupants have been ordered out and restrained in handcuffs.

While your initial attempt to detain Grayson for driving on a suspended license did not rise to the level of requiring a high risk traffic stop, it most certainly did once you decided the only reason Grayson could have hidden himself like he did was to retrieve a weapon.

Given your admitted knowledge of Grayson's prior violent criminal past, failing to recognize the need to alter your approach to the stop the moment you'd concluded Grayson was attempting to retrieve a weapon was nothing less than negligent. In fact, had you done so, none of the justification you later described for using lethal force would have ever presented itself.

You failed to approach Grayson's vehicle in a safe and responsible manner:

You told Sgt. [REDACTED] as you approached Grayson's car on foot, you continued to issue verbal orders for him to show his hands. You said you could see Grayson laying across the front seat and reaching up to start the car's engine as you made that approach. You said you eventually walked to a position that placed you "past the driver's door" to where "the front door meets the front fender" and approximately three feet away from the side of the car.

You said Grayson clearly saw you and clearly saw you had your service pistol drawn, but he still put the vehicle into drive. You said it was clear to you he had the intention to use his car to flee the stop.

At this point in the decision making process, you once again had an opportunity to reassess the situation you faced, knowing now, as you testified to Sgt. [REDACTED] that Grayson clearly intended to flee your lawful detention, this

time using his car to drive away rather than to escape on foot, as you'd presumed when you had to prematurely leave your vehicle to tell him to stop.

Despite having made that observation, you again failed to react appropriately, deciding instead to place yourself at a position just "past the driver's door" rather than taking a more reasonable course of action, such as retreating to the rear of the vehicle where the likelihood of you being struck by Grayson as he pulled away from the curb would have been greatly diminished.

You said you observed Grayson rapidly accelerate his car forward, turning the wheels to the left so that he could pull away from the curb. You said that movement caused you to "step backwards (sic) from the vehicle," telling Sgt. [REDACTED] taking that step back allowed you to avoid being hit by "the side of the vehicle" as it moved to the left.

While your decision to step back from the vehicle may have been far too long in coming, that choice finally made, by your own admission, allowed you to avoid being hit by Grayson's moving vehicle, and was clearly the proper one to make.

You told Sgt. [REDACTED] Grayson was unable to complete his left hand turn from the curb, having his attempt to flee thwarted when the right front bumper of his vehicle struck the left rear bumper of the vehicle that was parked in front of him. You said had Grayson not struck that vehicle, he would have been able to pull away from the curb without hitting you and escape down Terners Drive.

Because Grayson could no longer drive forward, he placed his car in reverse and began to back up. In so doing, he turned the steering wheel to the right, which caused the front of his car to swing out and to the left, towards you, as he drove in reverse. You told Sgt. [REDACTED] when Grayson next put the car in drive and made another attempt to flee your detention, you "had to step out of the way to avoid being hit." You added, "There was no question he was gonna (sic) hit me with the vehicle had I not moved."

Further, you told Sgt. [REDACTED] "Ah, there was not a... there was no other way about it. He couldn't of (sic) avoided me, he couldn't of (sic) stopped the vehicle. So I, I stepped out of the way." You said as Grayson was pulling away from the curb for the second time, "I barely had enough time to get out of the way from being hit."

Your decision to use lethal force was outside policy and unreasonable:

It was at this point, as Grayson was driving away from the curb, that you engaged him with gunfire. You told Sgt. [REDACTED] "I stepped out of the way as best I could and began firing at him." You said you chose to fire your weapon at him because "he clearly tried to assault" you. You told [REDACTED] you felt "the

threat was still very present,” and that it was clear to you that Grayson had in fact attempted to run you over in order to avoid being arrested.

However, replete throughout your retelling of the events that led you to decide to use lethal force against Grayson, you recount your ability to successfully step back to avoid being struck by Grayson’s car, not once, but twice. You said had you not stepped out of the way, he surely would have hit you, yet both times your simple decision to get out of the way of the moving car did exactly what you’d intended it to do, which was to prevent you from being hit.

Therefore, despite your belief that Grayson had intentionally tried to assault you, it was unnecessary to use lethal force to stop the assault because the assault could not have been completed subsequent to your reasonable, appropriate, and timely decisions to get out of the way of the moving vehicle.

When specifically asked at what point you started firing your pistol, you told Sgt. [REDACTED] “I stepped out of the way and I began firing,” indicating your ability to successfully move out of the path of the moving car before you engaged it with gunfire.

You then said you continued firing, “trying to stop the assault and the future assault,” referring to the potential for Grayson to stop and put his car in reverse, or, in the alternative, to turn his car around and drive back up Terners Drive to run you down.

A forensic examination of the car Grayson had been driving showed a total of twelve (12) bullet strikes, presumably beginning in the left front wheel and ending with rounds that struck the trunk or roof of the car.

Beginning at the front of the car, forensic examiners located two (2) bullet strikes in the left front wheel or wheel well, one (1) bullet strike just below the “A” pillar at the leading edge of the driver’s door, four (4) bullet strikes in the driver’s door, one (1) bullet strike just below the “B” pillar between the left side front and rear doors, one (1) bullet strike in the “D” pillar behind the left rear door, one (1) bullet strike in the trunk, and two (2) bullet strikes in the roof.

In addition to these cataloged bullet strike points, Grayson was himself struck by your bullets three times in the upper left arm.

A trajectory analysis conducted by California Department of Justice and the San Mateo County Sheriff’s Office shows you were likely standing alongside the car when the seven (7) bullets you fired struck the front wheel and driver’s door. That same analysis showed you were likely near the rear of the car when your one (1) bullet impacted the “B” pillar, and likely at or near the rear of the car as your four (4) bullets struck the “D” pillar, trunk, and roof.

You told Sgt. [REDACTED] it was your belief Grayson was purposefully trying to strike you with his vehicle. You said even after Grayson began to drive away, you felt you were in continued danger of being hit, saying Grayson "could have turned around, or put the car in reverse." You told [REDACTED] you continued firing at Grayson both to try and protect yourself from further assault and to "assist in his capture."

You told [REDACTED] you fired at Grayson even though his vehicle had now passed you, saying you thought your last shot was fired when the car was ten to fifteen feet away and "accelerating as fast as he could go."

In this instance, and despite the initial assault you described now having been fully mitigated by Grayson successfully pulling away from the curb and his unimpeded flight down Terners Drive, you told Sergeants [REDACTED] and [REDACTED] you continued firing your pistol at Grayson for two specific reasons; one, he could have stopped his car, put it in reverse, and tried to back up so as to continue his initial assault on you, and two, because he could have turned the car around and attempted to continue the assault by returning to the area he'd just fled.

On its face, neither potential is even remotely reasonable, and therefore your decision to continue firing at Grayson and his car as it drove by you, and then away from you, are unsupported by Sheriff's Office Policy.

Nowhere in policy is a deputy authorized to use lethal force against a suspect because there exists the mere potential of assault. And in fact in this particular case, there actually was no continued threat of assault once Grayson affected his escape.

You described a scene in which Grayson was "accelerating as fast as he could go" when you told Sgt. [REDACTED] about the manner in which Grayson pulled from the curb and drove away from you on Terners Drive. It is therefore wholly unreasonable to believe you were in danger of further assault by Grayson deciding to back up and drive towards you in reverse.

That backing maneuver simply would have taken far too long to execute, given the time necessary for Grayson to bring his rapidly accelerating vehicle to a stop, to place that vehicle in reverse, and to then begin backing that vehicle up in order to assault you.

Any reasonable deputy confronted by the same set of very specific circumstances would realize what was about to happen and still have ample opportunity and time to leave the roadway and seek a position of safety. That fact alone makes your decision to continue firing at Grayson to avoid the potential of being hit by his car driving at you in reverse unnecessary and unreasonable.

In addition, no less than five (5) independent witnesses describe how you followed the path of travel of Grayson's car after it fled the stop. Each placed you in the middle of road while you chased after the car on foot. That is simply not consistent with the actions of a reasonable deputy who is in such fear the suspect might suddenly put his car in reverse and try to run him over that he must continue firing his pistol at the suspect's car.

Even if one were to argue the overall credibility of some of those witnesses, it seems to me highly unlikely that each would describe the same thing when it came to placing you in the middle of the roadway as you followed Grayson's car, if for no other reason than at the time they gave those statements, none could have known that where you stood after the shooting would have any bearing on determining fault.

Further, your belief that Grayson could have potentially affected a U-turn so that he could continue his assault is also unreasonable in that that scenario required two very unlikely events to occur in parallel.

First, Grayson would have been required to return to the scene of your initial stop, something he had just gone to extreme measures to avoid. Secondly, Grayson would have been required to successfully execute a driving maneuver you yourself had just proved was not possible.

In fact, just moments before, during your initial attempt to affect a traffic stop on Grayson for driving on a suspended license, you tried to execute that very same U-turn on that very same street. Yet when you tried that maneuver, you found the street too narrow to complete the turn, resulting in your car being nosed into the curb rather than placed cleanly behind Grayson's stopped vehicle as you'd hoped it to be.

Therefore, in the unlikely event Grayson would have attempted to turn his car around and return to the scene of a stop he'd so recklessly attempted to escape mere seconds before, you again would have had more than enough time to understand the circumstances that were confronting you and to affect your escape to a position of safety where Grayson's car could have not have struck you.

As to the assertions made to Sergeants [REDACTED] and [REDACTED] during your interview for this Special Investigation that you also decided to continue firing at Grayson to "assist in his capture," I note this is the first time you said you fired at Grayson for any reason other than his attempt to assault you with his car. In fact, at no time in your interview with the Novato Police Department detectives during their criminal investigation did you make such a statement.

However, and regardless of any inconsistency in the testimony you provided during the initial criminal investigation and the follow-on internal inquiry, the fact remains that authorization to use deadly force to affect the capture of a

fleeing suspect is strictly controlled by both Marin County Sheriff's Office policy and the law. Sheriff's Office policy in fact dictates lethal force may be used to affect an arrest only when "necessary to affect the capture of a fleeing felony suspect, when, and only when, the felony is of the violent variety, i.e., a forcible and atrocious one which threatens death or serious bodily harm."

In this particular case, you told Sgt. [REDACTED] you were sure Grayson had intended to assault you with his car, making him a fleeing felony suspect. Although the District Attorney disagreed with your assessment and declined to file criminal charges against Mr. Grayson for any assault whatsoever, irrespective of those facts, Grayson's successful escape did not threaten death or serious bodily harm to you, or to anyone else.

Even if one were to believe Mr. Grayson's motivation in leaving the scene of the stop was not merely one of attempting to escape a pending arrest, but rather an attempt to assault you with his car, once the opportunity to commit that assault had concluded, i.e. Grayson was "accelerating as fast as he could go" away from the scene of the assault, no other persons were in danger of being assaulted by Grayson or his car.

While true Grayson likely drove recklessly in his attempt to complete his escape, that reckless driving was incidental to his escape and not an indication that he was attempting to assault anyone else he encountered on the roadway.

Grayson's identity was known to you, you knew Grayson was a resident of Marin City and was often seen in the community, and you knew the kind of car Grayson drove. Therefore, there was no reasonable explanation for shooting at Grayson to "assist in his capture," making that decision outside of policy and wholly unreasonable.

Your negligence and failure to follow policy and procedure brought discredit to the Sheriff's Office and the County:

As earlier noted, the public's reaction to your decision to use lethal force against Grayson during his attempts to escape your detention led to a number of negative news stories in the local media, public demonstrations, calls for the removal of Sheriff Doyle from Office, the formation of a Citizen's Oversight Committee, and claims of racism and discrimination on the part of the Sheriff's Office as a whole.

Your actions brought discredit to the Sheriff's Office, to your peers and co-workers who are now subject to a heightened degree of public scrutiny, and to the law enforcement profession as a whole.

Use of lethal force against an unarmed individual is reserved for the most dangerous and life-threatening of situations, yet in this case, you chose to employ that extreme level of force against someone whose alleged assault was in fact successfully avoided merely by your having stepped out of the way of his moving vehicle.

In preparation for determining the reasonableness of your response to Grayson's attempt to flee your detention on July 7th, 2013, the County of Marin retained the services of retired Los Angeles County Sheriff's Department Lieutenant [REDACTED] [REDACTED] a noted expert in the use of force by law enforcement officers.

Mr. [REDACTED] is a certified litigation specialist, and in addition to being a noted author and public speaker, he has testified as an expert witness in United States District Court, and in California and Nevada state courts as well. Mr. [REDACTED] has been accepted as a police practices expert by the Los Angeles County Superior Court Committee of Superior Court Judges, is a member of the Federal Court Defenders Office's police experts database, and his expert testimony was cited in the May 2012 published opinion of the Court of Appeal of the State of California, Second District, Division Eight, in Alma Mendoza v. City of West Covina, et al.

Mr. [REDACTED] reviewed the following:

- The entirety of the Novato Police Department's criminal investigation previously submitted to the Marin County District Attorney's Office,
- The opinion of Mr. [REDACTED] [REDACTED] the use of force expert retained by the Novato Police Department, and
- This Special Investigation, upon which my proposed discipline is based.

After an exhaustive review of those documents, Mr. [REDACTED] produced a twenty three (23) page report detailing the events of July 7th, 2013. Mr. [REDACTED] began by stating he believed your initial stop of Grayson was proper and that Grayson was lawfully detained at the time he attempted to flee your stop.

However, Mr. [REDACTED] also opined your response to Grayson's attempted flight was unreasonable and your decision to use lethal force against Grayson was improper and was not in compliance with either Marin County Sheriff's Office policy or the accepted standards of conduct for law enforcement officers in the State of California.

Thus, my analysis of the facts gathered during this investigation into your alleged misconduct and of all the supporting documentation gathered to date leads me to conclude your conduct on July 7th, 2013 violated the County of

Marin's PMRs and the Sheriff's Office rules and regulations outlined in Section III (A), above.

In determining the appropriate level of discipline for the sustained violations of policy that occurred on July 7th, 2013, I have considered the numerous prior warnings given to you concerning your failure to follow policy. These prior warnings are described below, in Section IV.

IV. PRIOR NOTICE

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
4. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

5. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

While I do take note of the fact that the [REDACTED], misconduct occurred after, not before the event described in this Special Investigation, I also find the number of prior acts of misconduct you were responsible for preceding this shooting event, the relatively short period of time in which those acts of misconduct occurred, and the failure of all previous attempts to modify your behavior through a clearly establishing record of progressive discipline would have led me to recommend your termination irrespective of the outcome of above the [REDACTED], misconduct investigation.

V. CONCLUSION AND RIGHT TO RESPOND

Based on your conduct, as described in Section II, the findings of our investigation, my analysis of the information presented to me, and the prior notices discussed in Section IV regarding previous policy violations, I am proposing that that you be disciplined by having your employment with the Marin County Sheriff's Office terminated.

If you desire to exercise your right to a pre-disciplinary conference in this matter, you must notify the Sheriff of your request by contacting his secretary, [REDACTED], within ten (10) business days of service of this notice upon you. The last day to request a pre-disciplinary hearing is Wednesday, July 2nd, 2014.

The purpose of this pre-disciplinary meeting is for you to review and discuss the nature of the charges, secure any clarification of the matter, and for you to offer any defense and/or mitigating factors. Because this is not an evidentiary hearing, you have no right to call or to cross-examine witnesses. However you may be represented by a union representative, legal counsel, or any other individual of your choice.

Additionally, please be advised that you may also elect to waive the above pre-disciplinary verbal review and, instead, respond in writing. Any such written response must be submitted no later than Wednesday, July 2nd, 2014.

Should you waive your right to appear or fail to respond in writing, a final decision will be made based upon the information currently available to the Department.

VI. CONFIDENTIALITY / NON-RETALIATION

You are advised to treat this notice, the investigation, and any outcome of this investigation as a confidential personnel matter.

The County of Marin strictly prohibits retaliation against any employee because of his/her filing of a complaint or participation in an investigation of alleged prohibited activity. Retaliation is defined as any action against an employee as a direct result of his/her participation in a workplace investigation that is reasonably likely to prevent the complaining party or others from engaging in protected activity. You are directed to avoid engaging in any actions that could reasonably be interpreted as retaliatory. Should you have questions about any of the information provided in this letter, please do not hesitate to contact me.

VII. ATTACHMENTS

Pursuant to *Skelly v. State Personnel Board*, I am providing you with copies of all materials upon which this notice of intent to discipline is based.

Exhibit 1: The entire Internal Investigation SI 13-10, including transcripts of investigative interviews and copies of tapes.

Exhibit 2: [REDACTED]

Exhibit 3: [REDACTED]

Exhibit 4: [REDACTED]

Exhibit 5: [REDACTED]

Exhibit 6: [REDACTED]

Exhibit 7: Sheriff's Office Rules and Regulations 104.09 and 106.03

Exhibit 8: Sheriff's Office General Orders 04-03 and 04-06

Exhibit 9: Marin County Sheriff's Office Field Training Program Instructional Guide #32

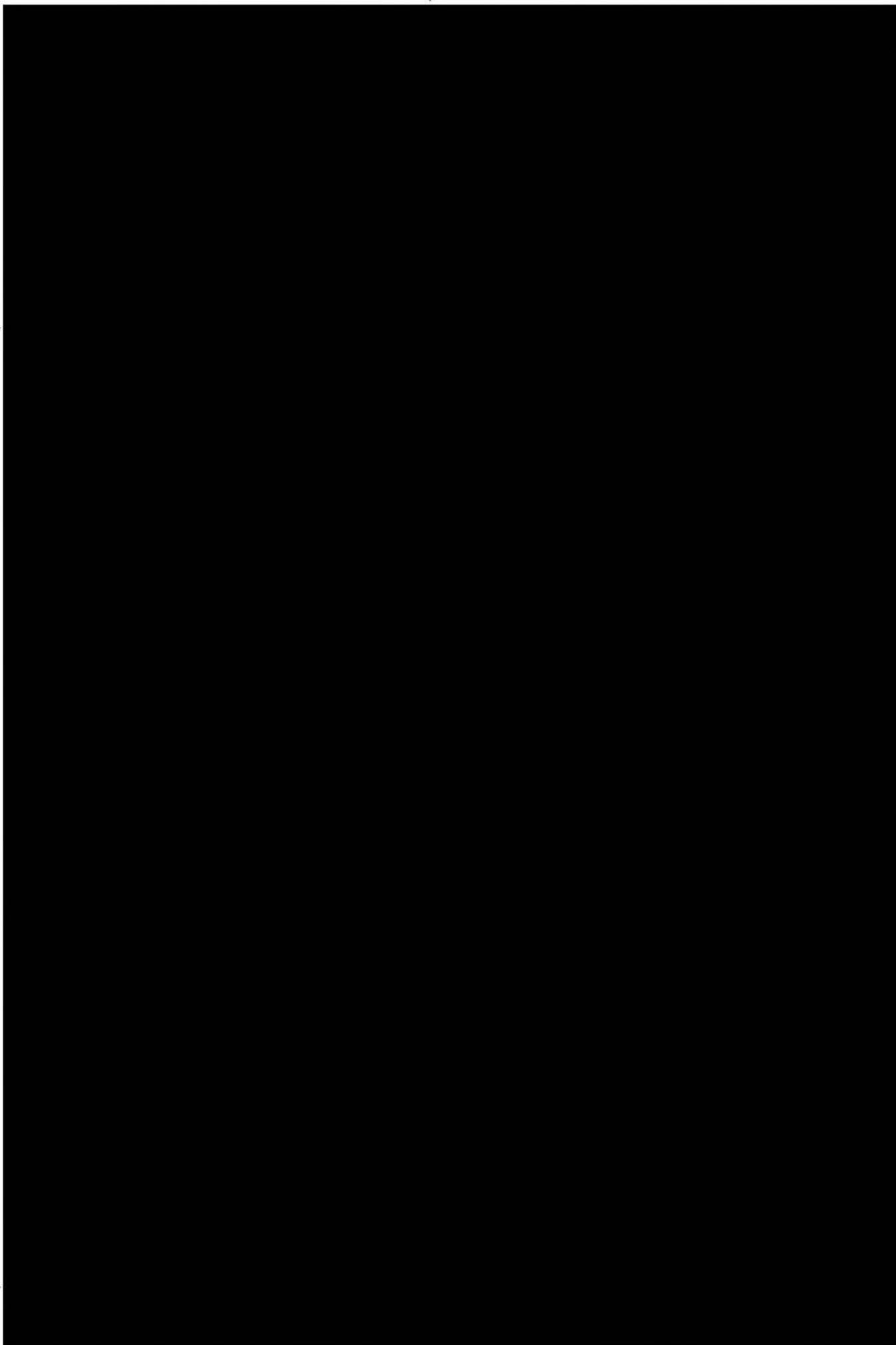
Exhibit 10: California Commission on Peace Officer and Standards Training Learning Domain #22

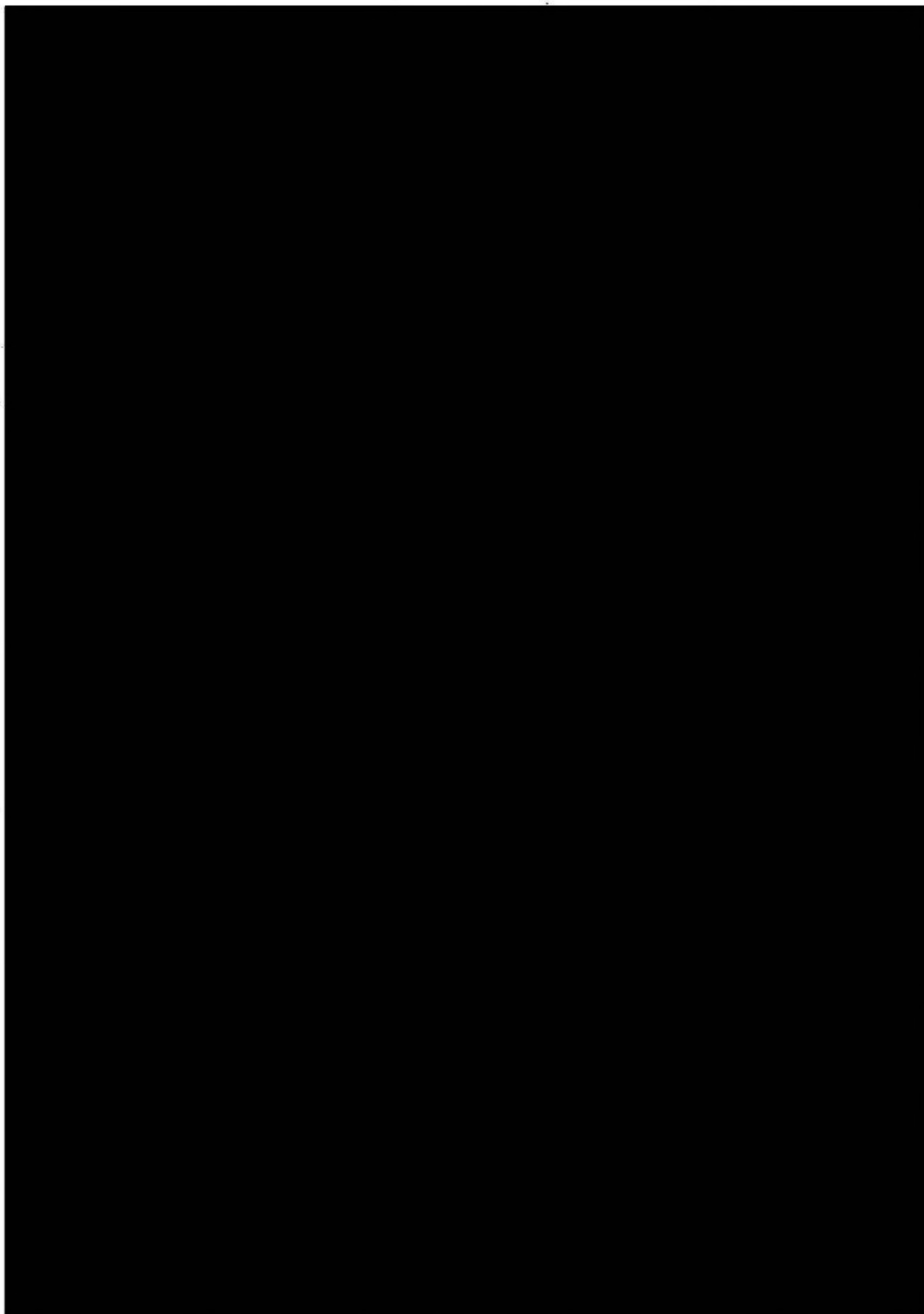
Exhibit 11: Marin County Personnel Management Regulations 20.1,
Paragraphs (A), (B), (D)(4), (D)(5)(A), and 47.3, Paragraphs (A), (5),
(6), (11), and (24).

Yours truly,

A black rectangular redaction box covering the signature of the undersheriff.

Undersheriff





**MARIN COUNTY SHERIFF'S OFFICE
RULES AND REGULATIONS**

- 103.03 Deputy Sheriffs shall ensure that they are prepared for the effective and efficient undertaking of their assignment.
- 103.04 Deputy Sheriffs shall safely and efficiently use equipment and material available to them.
- 103.05 Deputy Sheriffs shall be prepared to and shall respond effectively to the demands of their office.
- 103.06 Deputy Sheriffs, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.
- 103.07 Deputy Sheriffs shall not allow their personal convictions, beliefs, prejudices or biases to interfere unreasonably with their official acts or decisions.
- 103.08 Deputy Sheriffs shall recognize that their allegiance is first to the people, then to their profession and the governmental entity or agency that employs them.

CANON FOUR

- 104.00 Deputy Sheriffs will so conduct their public and private life so that they exemplify the high standards of integrity, trust and morality demanded of a member of the peace officer profession.
- 104.01 Deputy Sheriffs shall refrain from consuming intoxicating beverages to the extent that it results in impairment, which brings discredit upon the profession or their employing agency or renders them unfit for their next tour of duty.
- 104.02 Deputy Sheriffs shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties, and under no circumstances while in uniform.
- 104.03 Deputy Sheriffs shall not use any narcotics, hallucinogens or other controlled substances, except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior officer prior to reporting for duty.
- 104.04 Deputy Sheriffs shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer's profession. Deputies shall not participate in any incident involving moral turpitude.
- 104.05 Deputy Sheriffs shall not undertake financial obligations, which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.
- 104.06 Deputy Sheriffs shall not engage in illegal political activities.
- 104.07 Deputy Sheriffs shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials or advertisements for any commodity, commercial enterprise or commercial service that is not the product of the officer involved.
- 104.08 Deputy Sheriffs shall not engage in any activity that would create a conflict of interest or would be in violation of any law.
- 104.09 Deputy Sheriffs shall at all times conduct themselves in a manner, which does not discredit the peace officer profession or their employing agency.
- 104.10 Deputy Sheriffs shall not be disrespectful, insolent, mutinous or insubordinate in attitude or conduct.

**MARIN COUNTY SHERIFF'S OFFICE
RULES AND REGULATIONS**

- 104.11 Deputy Sheriffs shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.
- 104.12 Deputy Sheriffs shall not engage in any strike, work obstruction or abstention in whole or in part from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.
- 104.13 Deputy Sheriffs shall maintain a neutral position with regard to the merits of any labor dispute, political protest or other public demonstration while acting in an official capacity.

CANON FIVE

- 105.00 Deputy Sheriffs shall recognize that our society holds the freedom of the individual as a paramount precept, which shall not be infringed upon without just, legal and necessary cause.
- 105.01 Deputy Sheriffs shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally or reasonably apply the law.
- 105.02 Deputy Sheriffs shall recognize the rights of individuals to be free from capricious or arbitrary acts, which deny or abridge their fundamental rights as guaranteed by law.
- 105.03 Deputy Sheriffs shall not use their official position to detain any individual or to restrict the freedom of any individual, except in the manner and means permitted or prescribed.

CANON SIX

- 106.00 Deputy Sheriffs shall assist in maintaining the integrity and competence of the peace officer profession.
- 106.01 Deputy Sheriffs shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.
- 106.02 Deputy Sheriffs shall perform their duties in such a manner as to discourage double standards.
- 106.03 Deputy Sheriffs shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.
- 106.04 Deputy Sheriffs shall maintain the integrity of their profession through complete disclosure of those who violate any law, or who conduct themselves in a manner which tends to discredit the profession.
- 106.05 Deputy Sheriffs shall have responsibility for reporting to proper authorities any known information, which would serve to disqualify candidates from transferring within or entering the profession.
- 106.06 Deputy Sheriffs shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws and requirements of the profession.
- 106.07 Chief Executive Deputy Sheriffs shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their officers. These Canons and Ethical Standards shall apply to all legally defined deputy sheriffs regardless of rank.
- 106.08 Deputy Sheriffs shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

**MARIN COUNTY SHERIFF'S OFFICE
GENERAL ORDERS MANUAL**

**CHAPTER 4 - WEAPONS
GO-04-03
Page 1 of 3**

**DATE
October 4, 1994
Rev. 9-1-99**

USE AND DISCHARGE OF FIREARMS

POLICY

It is the policy of the Marin County Sheriff's Office that deputies should exhaust all other reasonable and lawful means of discharging their duties before resorting to the use of firearms.

PROCEDURE

Firearms shall only be discharged under the following circumstances:

- At an approved range and under the direction of the Rangemaster or his designee.
- When killing seriously injured or dangerous animals where other disposition is impractical.
- When necessary in the defense of the deputy's life, or to prevent serious injury to his person.
- When necessary in the defense of another person's life, or to prevent serious injury to that person.
- When necessary to effect the capture of a fleeing felony suspect when, and only when, the felony is of the violent variety, i.e., a forcible and atrocious one which threatens death or serious bodily harm.

Firearms shall not be discharged under the following circumstances:

- As a warning.
- To effect the capture of a misdemeanor suspect.
- From or at a moving vehicle, except when necessary in the defense of the deputy's life or the life of another person.
- When the deputy has reason to believe, based upon attendant circumstances, that the discharge may endanger the lives of passers-by or other persons not involved in the crime, and the deputy's life, or another person's life, is not in imminent danger.

REPORTS AND INVESTIGATIONS

When a deputy determines that he/she must dispatch a seriously injured and/or dangerous animal due to the unavailability of a Humane Society Officer, he/she will, whenever possible, notify the on-duty supervisor of the circumstances prior to dispatching the animal. If the supervisor is not available, the deputy will notify Comm. Center of the action to be taken, and he/she will notify the on-duty supervisor of the action taken at the first available opportunity.

Whenever a deputy, whether on or off-duty, discharges his firearm either accidentally or officially (except at an approved range) he/she shall notify an on-duty supervisory officer as soon as possible. If no supervisory officer is available, the deputy shall notify the appropriate command officer of the Patrol Division.

The supervising officer shall impound the weapon and expended cartridge(s) of the involved member whenever such a discharge was directed at or toward a person or vehicle. The deputy will be issued a departmental weapon, pending the release of the impounded weapon.

After such notification, the deputy shall prepare and submit a written report of the incident, forwarding it to the Sheriff through channels. This report shall be completed not later than by the end of the deputy's tour of duty on the date of the incident - subject to the provisions of Government Code 3303.

Whenever a deputy, whether on or off-duty, discharges his firearm either accidentally or officially (except at an approved range or when authorized by this policy to dispatch a seriously injured or dangerous animal) a special investigation will be initiated by the Bureau Commander of the responsible member.

The investigator shall inquire into the circumstances surrounding the discharge of the firearm by the deputy. The inquiry shall encompass contributory causes to determine if the deputy's actions brought about the need to discharge his firearm.

After determining and evaluating the facts, the investigator shall arrive at a finding that the discharge was either Justifiable, Unjustifiable, or Accidental as defined herein:

- Justifiable: When the circumstances at the time of the discharge were consistent with the provisions of this order, the discharge shall be classified as Justifiable.
- Unjustifiable: When the circumstance at the time of the discharge were not consistent with the provisions of this order, the discharge shall be classified as Unjustifiable.
- Accidental: A discharge that occurs without premeditation, by chance, unexpectedly, or as the result of extrinsic causes, without an element of negligence, shall be classified as Accidental.

The completed investigation will be submitted to the Undersheriff through the investigative chain of command. The report shall contain a summary of the circumstances surrounding the discharge and the finding of the investigator and any recommendations relating to training programs.

The Undersheriff will review the report for the purposes of determining the thoroughness of the investigation and appropriateness of the recommendation made. Once approved, the Undersheriff will forward the report to the Sheriff.

One or more of the following corrective actions may be taken by the Sheriff when indicated, subject to the provisions of the Marin County Code, Personnel Commission Regulations and State and Federal Regulations:

- Counseling.
- Training.
- Oral Reprimand.
- Written Reprimand.

- Suspension.
- Demotion.
- Termination.

RELATED STANDARDS:

Graham v. Conner,	490 U.S. 386 (1989)
Tennessee v. Garner	471 U.S. 1 (1985)
Lyons v. Los Angeles	75 L. ED 2d 675, 692
Burns v. Honolulu	82 District Court #79-0274 9 th Circuit Court of Appeals #81-4665
Forrester v. San Diego	25 F. 3d 804 (9 th Circuit Court of Appeals)
835a P.C.	
836.5 P.C.	
843 P.C.	
149 P.C.	

AFFECTED DIVISIONS:

All

DATE OF REVISIONS:

6/24/94
10/4/94
9/1/99

By order of

ROBERT T. DOYLE
SHERIFF

**MARIN COUNTY SHERIFF'S OFFICE
GENERAL ORDER**

**CHAPTER 4- WEAPONS
GO 04-06
PAGE 1 of 38**

DATE: 11-2-09

USE OF FORCE

POLICY

The Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting deputies with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

It is the policy of the Sheriff's Office that deputies shall use only that force which is reasonable, given the facts and circumstances known at the time of an event, to effectively bring an incident under control.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

DEFINITIONS

REASONABLY NECESSARY FORCE: The use of force is reasonably necessary in light of the totality of information and circumstances confronting deputies.

UNNECESSARY FORCE: Any use of force which is not reasonably necessary in light of the totality of information and circumstances confronting a deputy constitutes unnecessary force. When any degree of force is used as summary punishment or for vengeance, that force is unnecessary.

IMPACT WEAPONS: Side Handle Baton, collapsible baton, riot baton, straight baton, compact and duty flashlight, patrol bicycle, personal body weapons, and 37 mm projectiles.

PROCEDURE

Control of an individual may be accomplished in several ways; verbal advice, warnings, persuasion, or by the use of physical force. At no time are deputies allowed to use unnecessary force.

Any application of force by a member of the Sheriff's Office must be judged by a standard of "reasonableness." When determining whether or not to apply any level of force and when evaluating whether a deputy has used reasonably necessary force, a number of factors should be taken into consideration. Those factors should include, but are not limited to

- The conduct of the individual being confronted (as reasonably perceived by the deputy at the time.)
- Deputy/Subject factors such as age size, relative strength, skill level, injury/exhaustion, number of deputies vs. subjects.
- Influence of drugs/alcohol (mental capacity.)

- Proximity of weapons
- Availability of other options, such as what resources are reasonably available to the deputy under the circumstances.
- Seriousness of the suspected offense or reason for contact with the individual.
- Training and experience of the deputy.
- Potential for injury to citizens, officers and suspects.
- Risk of escape.
- Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of time available to evaluate and respond to changing circumstances may impact an officer's decision.

While various levels of force exist, each deputy is expected to respond with only that level of force which reasonably appears appropriate under the circumstances at the time to successfully accomplish the legitimate law enforcement purpose in accordance with this policy. This order does not require deputies to consider one type of force before escalating to another. The individual circumstance of each incident dictates the level of force to be used. Nothing in this order shall prevent a deputy from using whatever force or means is necessary in the defense of his/her life or the life of another person. Listed below are force options authorized for use by sheriff's personnel.

- Physical control holds which include joint manipulations, pressure point application, and take down techniques.
- Oleoresin Capsicum Agent (OC) and /or Mace (CN). (See GO 04-01).
- Electronic Control Device (Taser X-26). (See GO 04-10)
- Carotid Restraint.
- Impact Weapons
- Use of Canine See (PAT 08-03)
- Firearms (See GO - 04 -03)

Whenever force is used, the deputy's immediate supervisor shall be notified of the use of force without unnecessary delay. The deputy using force shall prepare a crime or arrest report, which must contain a description of the force used and the reason the force was used.

Application of the carotid restraint shall be used in the manner as presented and demonstrated during the Basic Academy and Advanced Officer Training and as published in the applicable agency training bulletins and shown in approved videos. Trachea "choke holds" are prohibited as a technique of choice and as a means of control. Immediate and continuing first aid shall be administered to any person upon whom a carotid restraint has been applied. Deputies shall monitor the subject and pay particular attention to the subject's ability to breathe following the application of a carotid restraint. As soon as possible, deputies shall transport or arrange transportation for the subject to the nearest hospital for medical clearance prior to booking. Deputies applying the carotid restraint must ensure that the hold is applied in a manner consistent with departmental training and P.O.S.T. guidelines.

Impact weapons shall not be used indiscriminately or in mere anticipation of violence or resistance. Deputies shall not intentionally strike a person with any impact weapon to the person's head, neck, throat, kidney, spine or groin except when there is an imminent danger of serious bodily injury or death to themselves or a third person. The provisions of this order pertaining to the use of impact weapons apply in full force and effect whenever a deputy uses any non-conventional impact weapon or device to strike a person.

RELATED STANDARDS

Graham v. Conner, 490 U.S. 386 (1989)

Tennessee v. Garner, 471 U.S. 1 (1985)

Lyonns v. Los Angeles, 75 L.E. D. 2d 675, 692

Burns v. Honolulu, 82 District Court #79-0274 9th Circuit Court of Appeals #81-4665

Forrester v. San Diego 25 F 3d 804 (9th Circuit Court of Appeals)

Medical Study Conducted by D. Daws, MD, J.D. Ho, MD, Academy of Emergency Medicine, March 2007

Penal Code Section 149

Penal Code Section 835a

Penal Code Section 836.5

Penal Code Section 843

AFFECTED DIVISIONS:

All

REVISIONS

9-3-99

By order of:

ROBERT T. DOYLE
SHERIFF

TRAFFIC-FELONY/VAN STOPS

INSTRUCTION GUIDE #32

TRAFFIC STOPS

1. Be aware of the possibility that all vehicles you stop may contain a fleeing and armed felon.
2. If possible pick a spot near a store or building in a well lighted area which will block avenues of escape. Time is on your side.
3. Consideration should be given to making the stop out of heavy traffic flow. This reduces the chances of causing accidents and increases officer safety from a traffic collision standpoint.
4. Record the license number of the vehicle and notify Communications requesting "wants" on that license number before making that stop, or before making contact with the driver or occupants of the vehicle. Watch the actions of the driver and passengers while the vehicle is coming to a stop. Any furtive actions may indicate an attempt to hide contraband, arm himself, or destroy evidence. Make sure Communications knows your location, and a description of the vehicle, if the vehicle does not have a plate.
5. Maintain a safe distance behind the vehicle when you use your red lights and/or siren, as they often panic a driver. Be alert for quick stops, and do not pull alongside the vehicle. Use PA System if necessary.
6. After the vehicle is stopped, the unit should be 8-16 feet to the rear, with the left front fender 2 feet to the left of the left rear fender of the stopped vehicle. (NOTE: Distances are different for known felony stops of suspect vehicle...See FELONY STOPS). Use spotlights and headlight high beams to illuminate the interior of the vehicle. Driver spotlight is directed to driver side mirror. Passenger spotlight is directed to the rearview mirror.
7. The primary deputy should approach the driver's side of the vehicle with caution, noting the actions of the occupants and giving special attention to the position of the occupants' hands. Observe the rear seat and floorboards for possible weapons and other objects, etc.
8. The covering deputy(s) should position him / herself to the right rear of the vehicle and observe the occupants. Never cross between the vehicle and the unit. Never stand directly behind the vehicle. The covering deputy should be in a position where he / she has quick

access to the radio. (NOTE: If a solo unit, the secondary responding deputy would be the back-up unit).

9. If a search of the vehicle is necessary, remove the occupants one at a time out the right side of the vehicle. This prevents them from stepping into traffic or running into traffic as an escape device. This also allows the covering deputy to maintain control.
10. The occupants should be given a pat-down search for weapons by the unit deputies immediately upon exiting, if the circumstances allow a search to be conducted.
11. The primary deputy conducts the search of the vehicle. It should be systematic and thorough; giving special attention to small recesses and places that may be used to secrete contraband (e.g., in under the dashboard, heater vents, etc). Any evidence found should be placed in the unit and out of the reach of suspects. Do not stop the search when an article of contraband or evidence is recovered as a complete search may reveal evidence of another crime, or the same crime.

FELONY STOPS

1. When conducting a felony stop, the deputies of the primary unit shall determine certain factors before making the stop:
 - a. The location of the nearest back-up (secondary unit).
 - b. Surrounding areas/objects available for additional cover.
 - c. The density of vehicular/pedestrian traffic. All of which will have an effect on the outcome of the stop. The action taken by the deputies involved and variations of that action will depend on these factors prior to making a felony stop.
2. When conducting a felony stop, the following procedures shall apply as necessary.
 - a. Use time to your advantage:
 - (1) Determine the nearest back-up unit.
 - (2) Coordinate a plan with that unit as to where you will be effecting the stop and any action that will be required of the back-up (secondary unit) officers.
 - b. After stopping the felony suspect vehicle; the position of the

primary unit should be 40 to 45 feet to the rear and directly in line with the suspect vehicle. This allows the deputy to illuminate the interior and areas surrounding the suspect vehicle obtaining the maximum effect from the high beams and spotlights of the unit. Spotlights should be directed down the sides of the van, while the take down lights should be directed to back doors.

- c. In order to obtain a good position of cover, the primary deputy should turn the front wheels of the unit to the left to prevent ricocheting rounds from striking any portion of the body exposed below the bottom of the door, i.e., lower left leg or foot. Remember the engine block and door jam offer concealment, not the door.
- d. The covering deputy has the option of using nearby concealment to the right of the unit; whether it be a tree, block wall or other objects that offer immediate access. If no concealment is available, the covering deputy may consider moving to the rear of the unit in a position to maintain visual control of the suspect vehicle.
- e. The back-up unit(s) (secondary unit) are positioned adjacent and to the left of the primary unit, at an angle which would block traffic approaching from the rear. The distance between the two units must allow the ability to exit the units. The back-up (secondary unit) should be positioned to obtain maximum cover as previously stated. Depending on the situation, the passenger deputy has the option of using a shotgun, but must not position himself in an area behind the deputy of the primary unit.
- f. When conducting a felony stop at night (has some effect in daylight) use the high beams and spotlights to flood the interior and areas immediately surrounding the suspect vehicle. This "blinds" the suspects and allows for visual control of their movements. The left spotlight of the primary unit is directed at the driver's side view mirror. The right spotlight is directed to the area of the passenger's side view mirror. The secondary unit uses high beams for general illumination, with the left and right spotlights directed toward the suspect vehicle in order to blind all occupants as they are removed from the suspect vehicle.
- g. The driver of the primary unit has the responsibility of giving commands to the occupants of the suspect vehicle. Assisting deputies or cover deputies say nothing unless they observe firearms, contraband or the suspects making furtive movements. Whether using the PA System (preferred pre-set volume control)

or issuing verbal commands, they must be clear, and simple to understand. Remember to use time to your advantage. Do not allow the situation to deteriorate by attempting to bring the incident to a quick conclusion, when its not necessary.

- h. Procedures for ordering suspects from vehicles will vary depending on the situation, i.e., the availability of secondary units, and the location the primary unit has selected to make the stop. Remembering that time is on your side, and after determining the number of assisting units. Deputies may consider the following method for removing suspects and taking them into custody.
- (1) When primary and secondary units are used: The deputy of the primary unit should initially instruct all occupants of the suspect vehicle to raise their hands above their heads, interlace their fingers, and then place their hands on top of their heads or place palms on windows. All actions taken by the suspects at your direction should be done with the left hand (90% of population is right handed).
 - (2) All occupants of the suspect vehicle are ordered to exit from the driver's side beginning with the driver. As you instruct the driver in exiting the vehicle, order him/her to bring the keys or throw keys out widow prior to exiting. Instruct the driver to open the door with his left hand if the window is down, if not, then have the driver roll it down as he exits. Once outside, have him raise his hands above his head, spreading the fingers, followed by closing the door with his left foot. EACH suspect is ordered from the vehicle in the same manner.
 - (3) The deputy of the primary unit will direct each suspect as they exit the vehicle to place his hands over his head and make a full turn. If you observe a weapon, tell him to remain in this position, and that you are aware that he is armed. Direct the suspect to back up towards the units or your voice. The covering deputy of the secondary unit will take him into custody when he passes behind the headlight area of the units.
 - (4) If you do not see a weapon on the suspect order him to slowly turn in a full circle. This allows you to check further for visible weapons. NOTE: Hands are stretched overhead...not interlaced and in back of head.

- (5) Stop the suspect in a position with his back towards you. Instruct him to begin moving backwards towards you, your voice, or the units.
- (6) When the suspect(s) reach the area of the unit's front fenders and behind the headlights; the secondary unit will take control by handcuffing, searching, and removing all weapons (key, if driver). The suspect will be taken to an area to the rear and between the units and placed in the rear of the unit. The deputy will remain with the suspect using the rear of the secondary unit for protection. All remaining suspect(s) will be ordered out in the same manner, one at a time. As each one reaches the area behind the headlights, they will be handcuffed by the covering deputy of the secondary unit, who will search and control them.
- i. A variation of the methods and procedures explained would be used when a third unit is available. The third unit would be positioned directly to the rear of the primary unit. They would make sure that all of their lights had been turned off prior to positioning the unit. Further, these deputies would have watched for a second suspect vehicle in the area. The deputies in the third unit would take custody of the suspects as described previously.
- j. After all visible suspects have been removed from the suspect vehicle, there are two methods available in order to conduct a search of the trunk and interior of the vehicle.
 - (1) The primary deputy, assisted by the covering deputy, will approach the suspect vehicle while other deputies provide additional cover. Taking a low and to the side position, they proceed, preferably to the side which reduces the chances for cross-fire. Once the vehicle and trunk is cleared of occupants, the covering deputy will conduct the search:

VAN STOPS

1. The stopping of vans, positioning of units, and removal of suspect is basically the same as felony stops. It is suggested on a traffic stop that the driver be called back to the unit, and that occupants exit the right side of the van in the event a search becomes necessary.
2. Deputies should be constantly aware of the windows and curtains in a van, especially any type of rear door movement when approaching a

van type vehicle. Deputies should have the driver of the van open all doors, while maintaining a position of cover.

3. On a felony van stop, the primary deputy will order the occupants out as previously described. As the driver of the suspect vehicle backs towards the units, he is ordered to open the van doors, then proceed to the units. If the van has side doors, this procedure is optional. Primary unit deputies will check the interior of the van until they are satisfied that the portion that can be seen is clear. Either the driver of the primary or secondary unit will approach, staying to the left side, opening the driver door, checking the interior and enter the van through the driver's door, completing the search of the interior of the van.

**TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #22
VEHICLE PULLOVERS**

July 1, 2012

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X

I. LEARNING NEED

Peace officers must recognize the inherent risks involved when conducting a vehicle pullover in order to take the appropriate precautions necessary to ensure their own safety as well as the safety of others.

LEARNING OBJECTIVES

A. Describe the three basic categories of vehicle pullovers, to include:

1. Traffic enforcement pullover
2. Investigative pullover
3. High-risk pullover

B. Describe the inherent risks to officer safety that are associated with conducting a vehicle pullover

C. Demonstrate appropriate actions officers can take to maintain their own safety and the safety of others while conducting a vehicle pullover

II. LEARNING NEED

Peace officers must understand the techniques for conducting tactically sound vehicle pullovers

LEARNING OBJECTIVES

A. Demonstrate safety techniques when initiating a vehicle pullover, including:

1. Selecting an appropriate location
 - a. Safety factors (e.g., out of the flow of traffic)
 - b. Visibility to passing traffic

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		X
X				X		X
X			X	X		X
X			X	X		X
X			X	X		X
X				X		X
X				X		X
X				X		X
X				X		X
X				X		X

- H. Demonstrate appropriate procedures and communication techniques for directing the driver and occupants out of a target vehicle
- I. Apply appropriate procedures for checking the validity and authenticity of a driver's license or other form of personal identification

III. LEARNING NEED

Peace officers must recognize situations involving high level of risks in order to apply appropriate tactical actions during a vehicle pullover.

LEARNING OBJECTIVES

- A. Demonstrate officer safety precautions that should be taken during any high-risk vehicle pullover
- B. Discuss appropriate actions for cover officers who are called to assist the primary officer during a high-risk vehicle pullover
- C. Demonstrate tactics for conducting a safe and effective high-risk vehicle pullover
- D. Discuss officer safety considerations when searching the target vehicle, including:
 - 1. Use of available cover officer(s)
 - 2. Types of objects sought and likely locations
 - 3. Potential hazards (e.g., needles, edged weapons, etc.)
 - 4. A systematic search process
 - a. Interior
 - b. Exterior

IV. LEARNING NEED

Peace officers must make appropriate safety and tactical adjustments when conducting pullovers involving vehicles other than passenger cars and pickup trucks.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X				X		
X				X		
X				X		
X				X		
X			X	X		

LEARNING OBJECTIVES

A. Explain appropriate safety and tactical considerations when conducting vehicle pullovers involving:

1. Vans, campers, and motor homes
2. Motorcycles
3. Buses and semi-trucks

V. REQUIRED TESTS

A. A scenario test that requires the student to demonstrate, by application, proficiency of a simulated vehicle pullover during the hours of darkness (as defined in Vehicle Code Section 280). At a minimum, the test shall evaluate the following competencies:

1. Police Vehicle Operation - The ability to operate a patrol vehicle in a safe and efficient manner and to position the vehicle appropriate to the situation.
2. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights - The identification of laws and constitutional rights governing to consensual encounters, detentions, and arrests.
4. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.
5. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.

VI. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity depicting a situation in which the subject is initially noncompliant with verbal instructions to sign the citation. The student will demonstrate the communication skills to resolve the conflict including:

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		
X			X	X		
X			X	X		
X			X	X		
14			6	14		2

must address the following topics:

1. Exercise of effective problem solving, communication and officer safety during vehicle stops
2. Use of an appropriate ethical decision-making process to demonstrate "equal protection of the law"
3. How the community may view vehicle pullover tactics as a function of the policing mission
4. How peace officers may educate community members on the purpose of vehicle pullovers

VII. HOURLY REQUIREMENTS

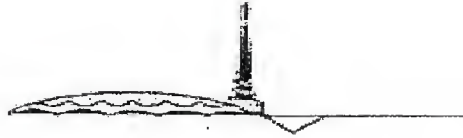
Students shall be provided with a minimum number of instructional hours on vehicle pullovers.

VIII. ORIGINATION DATE

January 1, 2001

IX. REVISION DATES

January 1, 2004	July 1, 2009
August 15, 2004	July 1, 2010
January 1, 2006	July 1, 2011
January 19, 2007	July 1, 2012



County of Marin Personnel Management Regulations

Section 2: Personnel Conduct and Standards of Employment **No. 20 – Employee Standards of Conduct**

APPLICABILITY & PURPOSE

This Personnel Management Regulation (PMR) defines general standards of conduct for County employees. Please also see related PMRs in this section associated with employee standards of conduct.

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20.1 Code of Ethics

- A. Each officer, official and employee has an obligation to the citizens, to the people's elected representatives and to fellow employees to meet the highest ethical and professional standards and to enhance the public's respect and trust for the County government and its operations.
- B. Employees of the County have responsibilities unique from their counterparts in private industry. Employment with the County carries an obligation of personal integrity and conduct that serves to establish public respect, confidence, and trust.

County of Marin – Personnel Management Regulations
No. 20 – Employee Standards of Conduct

- C. Employees represent the County of Marin and the quality of County service is judged through their performance and conduct. The citizens of Marin have the right to expect that County employees will provide services in an efficient, thorough and courteous manner. It is intended that the rules and procedures which follow will assist employees in maintaining high ethical standards and proper job performance, and in avoiding potential conflicts of interest both in fact and appearance.
- D. The County, as a condition of employment, expects to receive from the employee:
 - 1. Initiative and a conscientious effort to perform productive work.
 - 2. Cooperative, positive, responsive, and courteous relations with fellow employees, supervisors, subordinates, and the public.
 - 3. A continuous effort to strive for greater knowledge and skill on the job in order to maintain performance at a high level.
 - 4. Compliance with all policies, regulations, rules of conduct and ordinances established by the County.
 - 5. Responsible work habits demonstrated by:
 - a. Dependability, promptness, reliable attendance, and performing required duties competently,
 - b. Keeping informed of developments and matters affecting job performance,
 - c. Being flexible and adaptable to change,
 - d. Accepting constructive suggestions and criticism.
 - 6. Neat and clean grooming and attire appropriate to the job assignment. Prescribed uniforms and safety equipment must be worn where applicable.
- E. County employees will effectively implement the official policies of the County when serving in their official capacity with customers, clients, and the public and/or when identifying themselves as County employees in the course of their work.
- F. No officer, official or employee will accept a fee, compensation, gift, payment of expenses or any other thing of monetary value in any circumstances in which acceptance may result in or create the appearance of any one or more of the following:
 - 1. Use of public office and/or employment for personal or private gain.

47.1 Authority

County officers designated as having appointing authority may demote, suspend, reduce in compensation or dismiss regular employees in the Merit System. Managers and supervisors, as well as the appointing authority, may provide written or oral warnings.

47.2 Types of Disciplinary Action

- A. Oral Warning. A formal discussion with an employee, usually by the employee's immediate supervisor, about performance or conduct problems, the need for the employee to improve, what specific improvement is expected, and further consequences if improvement is not made.
- B. Written Warning. A formal written notice to an employee, usually by the employee's immediate supervisor, regarding performance or conduct problems, the need for the employee to improve, what specific improvement is expected, a statement of any prior disciplinary action, and the further consequences if improvement is not made.
- C. Suspension. Removal of an employee from duty without pay for a specified period.
- D. Reduction in Compensation. A reduction in pay from the employee's current step within a pay range to any lower step within that same range.
- E. Demotion. A reduction in status and salary from one classification to another classification having a lower salary range.
- F. Dismissal. Separation from employment of an employee for cause.

47.3 Grounds for Disciplinary Action

- A. The maintenance of regular status in the Merit System by an employee requires appropriate behavior and competent service. Any regular employee is subject to disciplinary action, including dismissal, suspension, reduction in compensation, demotion, written warning and oral warning. Listed below are examples of causes which will be deemed sufficient for such action by the appointing authority. Grounds for disciplinary action are not limited to the examples enumerated below:
 - 1. Fraud, misrepresentation of fact, or concealment in securing appointment or during employment.
 - 2. Falsification in any information provided to the County including information provided on employment records, timesheets or reimbursement requests.
 - 3. Unauthorized, unexplained absence.

County of Marin – Personnel Management Regulations
No. 47 – Employee Discipline

4. Insubordination, a willful failure to conform to directives, duly established orders of supervision, or insulting or demeaning the authority of a supervisor or manager.
5. Incompetence, i.e. inability to comply with the minimum standard of performance of an employee's position for a significant period of time.
6. Inefficiency or inexcusable neglect of duty, i.e. failure to perform duties required of an employee within his or her position, or wasting time, energy, or materials.
7. Abuse of sick leave, i.e., taking sick leave, without a doctor's certificate when one is required, or misuse of sick leave, i.e. claiming sick leave when one or one's family member is not sick.
8. Disorderly or immoral conduct.
9. Dishonesty.
10. Possession, distribution, sale, use or being under the influence of alcohol or illegal drugs or narcotics while on duty or while operating a County vehicle or potentially dangerous equipment leased or owned by the County.
11. Any action which indicates a lack of concern for injury to him or herself or others.
12. Gross negligence, willful damage to public property or waste of public supplies or equipment.
13. Unauthorized use of County property or equipment, including driving on County business without a driver's license and/or insurance.
14. Theft of County equipment, supplies, or property.
15. Discourteous, offensive or abusive treatment of the public or other employees.
16. Refusal to participate as directed in an investigation conducted by the County.
17. Working overtime without authorization.
18. Any willful act, conduct undertaken, or statements made in bad faith, either during or outside of duty hours, which is of such a nature that it causes discredit to the County or the employee's department or division.

County of Marin – Personnel Management Regulations
No. 47 – Employee Discipline

19. Outside employment not specifically authorized.
20. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.
21. Improper political activity. Example: Campaigning for or espousing the election or non-election of any candidate or issue in national, state, county or municipal elections while on duty and/or during working hours or in County uniform on or off duty; or the dissemination of political material of any kind while on duty and/or during working hours or in uniform.
22. Possession of weapons on agency property unless authorized.
23. Disclosure of confidential and/or privileged information.
24. Willful violation of any of the provisions of the Merit System, these Personnel Management Regulations, County rules or Departmental rules, regulations, policies, and procedures.
25. Engaging in sexual activity while on duty.

47.4 Discipline of Exempt Employees

Except for a violation of a major safety rule, exempt employees not eligible for overtime are not subject to (1) suspensions other than in full work week increments, (2) temporary demotions (with a beginning and ending date) or (3) temporary reductions in pay.

47.5 Possible Investigation

When an act of an employee that may be cause for disciplinary action is reported to the employee's supervisor, it may be necessary to conduct an investigation to determine the facts and/or to confirm the allegations. The investigation may be performed by the employee's supervisor or assigned to an administrative employee, outside investigator or other designee of the department head. The object of the investigation will be to determine if a disciplinary offense did occur, and if so, by whom. Investigations will be conducted as confidentially as possible. As much as possible, the employee will receive notice as to the purpose of the meeting, and of the right to representation if the employee believes the investigation could lead to disciplinary action for him or her.

47.6 Procedures for Taking Disciplinary Action and Related Appeal Rights

- A. Oral Warning. Following a formal discussion, a supervisor or manager may summarize the oral warning, provide the summary to the employee,



MARIN COUNTY SHERIFF'S OFFICE

3501 Civic Center Drive, Room 145, San Rafael, CA 94903

ROBERT T. DOYLE

Sheriff - Coroner

MICHAEL J. RIDGWAY

Undersheriff

June 18th, 2014

Deputy Evan Kubota



Reference: Special Investigation 2013-10

Dear Deputy Kubota,

This letter is to inform you that Special Investigation 2013-11, an inquiry that was opened to determine whether or not your July 7th, 2013, decision to use deadly force to affect the capture of Chaka Ali Grayson violated any established laws, policy, or procedures.

That inquiry has recently been concluded and it was determined your actions on the day in question did indeed violate a number of County of Marin and Sheriff's Office policies and procedures. As a result, and because of the failure of prior attempts at progressive discipline to modify your behavior, I am recommending your employment with the Sheriff's Office be terminated.

Because a decision on whether or not to terminate your employment is now pending before the Sheriff, I am placing you on paid administrative leave and suspending your peace officer powers, effective immediately. All actions mentioned in this letter will remain in effect until there is a final determination of discipline made by Sheriff Doyle and you are not to conduct any Sheriff's Office related business during the tenancy of that suspension.

You are hereby ordered to immediately surrender to Captain [REDACTED] any and all department owned badges, identification cards, keys, smart cards, and electronic key fobs. In addition, you are also ordered to immediately surrender your Glock, Model 22, .40 caliber pistol, serial number [REDACTED] issued to you by the Marin County Sheriff's Office.

Effective immediately, you will also begin serving your 168 hour suspension that results from the action taken by the Sheriff on Special Investigation 2013-11. You will remain on your current 12-hour work schedule throughout the term of that suspension, which will end at 1900 hrs. on Wednesday, July 16th, 2014.

AREA CODE-415

24-HOUR NUMBER
473-7233

FAX
473-4126

ADMINISTRATION
473-7250

CIVIL
473-7282

COMMUNICATION
SERVICES
473-7243

CORONER
473-6043

COURTS
473-7393

EMERGENCY
SERVICES
473-6584

INVESTIGATIONS
473-7265

JAIL
473-6655

MAJOR CRIMES
TASK FORCE
884-4878

PATROL
473-7233

RECORDS
473-7284

WARRANTS
473-7297

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www.marinsheriff.org

www.marincounty.org

Beginning at 0800 hrs. on Thursday, July 17th, 2014, you will transition to a standard 8-hour, Monday through Friday work schedule. You are to remain at your home and immediately available to Lt. [REDACTED] of the Professional Standards Unit during those days and hours and are to provide him with your home and cellular telephone numbers as soon as practical.

Any deviation from the aforementioned schedule must have prior and specific approval from Lt. [REDACTED] or his designee. Furthermore, you are not to visit or be within any Sheriff's Office work areas without the prior specific authorization of Lt. [REDACTED] or higher authority.

Failure to abide by any of the foregoing directives will be considered insubordination and will result in formal discipline up to and including termination of your employment by the Marin County Sheriff's Office.

Yours truly,

ROBERT T. DOYLE
SHERIFF

[REDACTED]
[REDACTED]
Sheriff's Captain



MARIN COUNTY SHERIFF'S OFFICE

1600 Los Gatos Drive, Suite 200, San Rafael, CA 94903

ROBERT T. DOYLE

Sheriff - Coroner

MICHAEL J. RIDGWAY

Undersheriff

July 28, 2014

Evan Kubota

RE: Paid administrative leave

Dear Deputy Kubota,

I am following up with our conversation from this morning. I'd like to remind you that while you are on paid administrative leave you are to remain at home and be available to me or my designee. You must notify me if anything changes in your schedule. Please refer to the letter from [REDACTED] which I have included for your review.

Sincerely,
ROBERT T. DOYLE SHERIFF-CORONER

[REDACTED]
Professional Standards Unit

CC: Personnel file

AREA CODE 415

24-HOUR NUMBER

479-2311

FAX

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473-7250

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473-6584

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TASK FORCE

884-4878

PATROL

473-7233

RECORDS

473-7284

WARRANTS

473-7297

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[REDACTED]
Law Enforcement Consultant

[REDACTED]
[REDACTED] (Home)
[REDACTED] (Cellular)
[REDACTED] (e-mail)

Introduction:

My name is [REDACTED] and I retired from the San Francisco Police Department in May of 2013. The law offices of [REDACTED], retained my services to render my opinion regarding the officer-involved shooting, in which Deputy Evan Kubota shot Chaka Grayson on July 7, 2013.

Let me start by providing the readers of this document with my law enforcement and teaching background as well as my training and experience as it relates to officer-involved shootings.

Law Enforcement Career Summary:

I was a San Francisco police officer for more than 32 years with a broad-based background that included extensive administrative, investigative, management, patrol and teaching experience. I have conducted and/or directed thousands of criminal investigations involving homicides, officer involved shootings, suspicious deaths, in-custody deaths, gang-related crimes, aggravated assaults, domestic violence, sexual assault, robberies, firearm violations and major narcotics investigations. I have been to thousands of crime scenes, conducted and/or directed countless interviews and interrogations, and presented hundreds of criminal cases to both (Federal) Assistant United States Attorneys and local District Attorneys. I have a strong working knowledge of an array of current investigative techniques and I am familiar with the growing number of databases and websites used to solve crimes and provide vital scientific information regarding officer-involved shootings. I co-authored the nationally recognized Violence Reduction Plan for the San Francisco Police Department that reduced homicides by 54% and non-fatal shootings by 34% in less than two years.

Work Experience:

2013 – Present: Police Officers' Standards and Training (P.O.S.T.) Institute of Criminal Investigations (ICI) facilitator and instructor for the San Francisco Police Department

I am currently both the facilitator and an instructor for P.O.S.T. certified Institute of Criminal Investigations course for the San Francisco Police Regional Academy. This is a comprehensive 80-hour investigator's course in which police officers are guided through an investigation from beginning to end, step-by-step, culminating with the arrest and interrogation of the perpetrator and the execution of a legally sufficient search warrant. During the course, I am the instructor for Interrogation Law and Practical Applications, Arrest and Search Warrants (drafting and executing), and Informant Management.

2013 – (retired May 2013): Commander of the Golden Gate Division

Prior to my retirement, I was the Commander of the Golden Gate Division of the San Francisco Police Department. I was responsible for the efficient operations of the five district police stations and the S.F.P.D. Housing Development officers as well as the management and supervision of more than five hundred and fifty (550) uniformed police officers.

2013- 2012: Commander of the Investigations Bureau

I oversaw the entire Investigations Bureau of the San Francisco Police Department, which includes the Major Crimes Units (see below), Special Victims Units (i.e. Juvenile, Sex Crimes, Human Trafficking, Financial Crimes, Missing Persons, and Domestic Violence) and the Special Investigations Divisions (which includes dignitary protection, anti-terrorism investigations and other sensitive investigations) and Technical Services Unit (TSU). I oversaw the investigative work product for approximately 200 investigators.

2012 – 2011: Captain of the Major Crimes Unit

I was assigned as the Captain of the Major Crimes Units, which included the Homicide Detail, Gang Task Force, Robbery, Narcotics, Technical Services Unit (TSU) and the Violence Reduction Teams (VRT). I was responsible for overseeing the investigative work product of approximately 160 investigators.

2011 - 2009: Deputy Chief – San Francisco Municipal Transportation Agency (SFMTA)

I was assigned as the Deputy Chief of the San Francisco Municipal Transportation Agency (SFMTA) for approximately eighteen months tasked with the safety and security of more than 733,000 passengers per day. The SFMTA included the San Francisco Police Department (SFPD) Traffic Company (80 police officers), Parking and Traffic Control officers (268), Hit and Run Investigative Unit, Taxi Enforcement, the Muni Response Team (MRT – uniformed police officers and Transportation Security Administration K-9 explosives detection dogs) and the Muni Task Force (MTF – plainclothes enforcement team).

I was tasked with implementing a comprehensive safety and security enforcement plan to combat crime on the SFMTA mass transportation system. The SFMTA system includes eighty-three bus lines, five rail lines and three cable car lines. The overall plan included Homeland Security Terrorism safety and security measures and Emergency Management throughout the system as well as an enforcement plan that included covert operations (i.e. plainclothes – robbery and graffiti abatement), and overt operations (e.g. high visibility uniformed patrol with and without bomb dogs). The enforcement plan reduced crime on the SFMTA system by more than 12% in its first year.

2009-2008: Commander - Field Operations Bureau

I was the Commander of the Field Operations Bureau for nearly two years. I was responsible for the efficient operations of the ten district police stations, Market Street Foot Beats, Operation Homeless Connect (Outreach Project), the Community Policing Program as well as the management and supervision of more than fifteen hundred (1500) uniformed police officers.

Additionally, my duties and responsibilities included:

- Management of the Violence Reduction Enforcement Plan
- Field Operations Bureau policy and procedure review and implementation
- Event Planning for demonstrations, parades, celebrations and other civic events
- Compstat meetings with Field Operations Bureau Captains

Significant Accomplishments:

- Co-author of the SFPD Violence Reduction Zone Enforcement Plan that significantly reduced violent crime citywide and within the targeted zones. The plan received a national award from federally sponsored "Project Safe Neighborhood Project" because the plan was instrumental in reducing homicides (decreased by 54%) and non-fatal shootings (decreased by 34%), in 2009.
- Partnered with other City agencies to participate in biweekly Public Cluster meetings to discuss crime issues, assign follow-up investigations when necessary (intervention), discuss arrested individuals' status (enforcement), the status of crime victims and/or future preventive measure.
- Commander for the 2008 Olympic Torch Relay (Virtual Command Post)
- Co-Event Commander for all major events including, Giants World Series Championship, New Year's Eve, Halloween, 4th of July, anti-war demonstrations and other civic events.
- Co-created and developed the curriculum for a preliminary investigations course taught as part of the P.O.S.T. mandated Continuing Professional Training (CPT) for sergeants, inspectors and patrol officers.

2008 - 2006 Lieutenant - Homicide Detail

As the Lieutenant of the Homicide Detail, I was tasked with supervising the work output of twenty investigators for current homicide cases as well as the follow-up and review of hundreds of pending and cold cases. I was responsible for supervising all of the homicide, suspicious death and in-custody death investigations as well as all officer-involved shootings. I was also required to review and present the findings (In-Policy or Not in Policy) for all Officer Involved Shootings to the Firearm Discharge Review Board (FDRB). The FDRB makes their recommendation to the Chief of Police as to whether the officer(s) should be reinstated or disciplined.

2006 - 2004 Lieutenant-Gang Task Force

As the Lieutenant of the Gang Task force, I was tasked with supervising and overseeing all gang-related investigations including aggravated assault, shootings, stabbings, robberies and other violent felonies. At the outset, I revamped the entire Unit from top to bottom and established clear case assignment criteria. Upon assignment, I found that while gang violence had been increasing, the Gang Task Force was ill equipped and severely understaffed to handle the increasing number of cases. The Gang Task Force consisted of only eleven investigators, but I was given the latitude to recruit and train dedicated officers to double the size of the unit (twenty-four investigators), which increased productivity significantly.

Significant Accomplishments:

- Coordinated the Federal prosecution (United States Attorney's Office) of scores of felons arrested in possession of firearms through the Department of Alcohol, Tobacco and Firearms
- Worked closely with the City Attorney to establish the first civil "gang injunction" (Oakdale Mob) in San Francisco

2004-2003 Lieutenant - General Work Detail (Investigations - Crimes against People)

As the Lieutenant of the General Work Detail, I was tasked with supervising the work output of 20 investigators whose primary responsibility was to investigate crimes against people, including aggravated assaults, shootings, stabbings, threats and other assaults. More than 2000 police reports were assigned to the Detail each month.

2003-2000 Lieutenant-Bayview Station - Field Operations Bureau (Uniformed)

As the Lieutenant, I was responsible for the efficient operation of the station and the performance and discipline of its members. District station lieutenants are responsible for scheduling personnel, reviewing incident reports and responding to unplanned critical events.

2000-1990 - Sergeant/Inspector - Narcotics Detail (Investigations Bureau)

While assigned to the Narcotics Detail, I was designated as a team leader responsible for the supervision and training of eight to sixteen inspectors and/or officers during different time periods. During my tenure, I worked the entire gambit of narcotics enforcement from street-level enforcement teams, to mid-level dealers to high-level narcotics traffickers. I was also heavily involved with developing and instructing training courses for recruit officers as well as seasoned veterans.

1990-1987 - Cross Designated Special Agent - Federal Drug Enforcement Agency

I was selected to be cross designated as a Federal Special Agent with the Drug Enforcement Administration, (DEA) to work on a special task force targeting major drug traffickers in San Francisco. The Task Force was comprised of DEA personnel, SFPD members, Internal Revenue Special Agents, Bureau of Narcotics Enforcement (State-BNE) and the Department of Corrections. Over the course of my three-year assignment, the Task Force disrupted and dismantled several drug trafficking and money laundering organizations resulting in the seizure of kilo weight quantities of cocaine, heroin and methamphetamine as well as millions of dollars in currency and assets.

1987-1984 - Police Officer - Narcotics Detail - Street enforcement Team

1984-1981 - Uniformed Patrol - Central and Ingleside Police Stations

Teaching Experience: 1993 to Present

- Author: San Francisco Police Department Search Warrant Manual
Developed the course curriculum and obtained P.O.S.T certification for an in depth Search Warrant course (Instructed for the past 16 years).
- Author: Informant Management Manual 2013 (Department Manual #15). Developed the course curriculum and instructed Informant Management course.
- San Francisco Police Department Academy: Instructor for the recruit officers for the following learning domains; Basic Narcotics course, Laws of Arrest, Laws of Evidence, Search and Seizure Law (Instructed for seven years).
- San Francisco Police Department: Instructor for newly promoted Sergeants and Lieutenants Course that included updates in criminal law, laws of arrest, search and seizure, and targeted enforcement operations.
- San Francisco Police Department: Preliminary Investigations co-instructor (Initiated January of 2009-weekly CPT course)
- Institute of Criminal Investigations (ICI): Arrest and Search Warrant Instructor (Instructor for the past 15 years)
- Institute of Criminal Investigations (ICI) Facilitator and Instructor (currently) – 80-hour Course certified by Police Officers Standards and Training (POST)

Education and Professional Certifications

- Bachelor of Science (B.S.), Public Management
- P.O.S.T. Management Certificate
- P.O.S.T. Supervisory Certificate
- P.O.S.T. Advanced Certificate
- P.O.S.T. Intermediate Certificate
- P.O.S.T. Basic Certificate
- Incident Command Systems (ICS) Certificates – 100, 200 & 700 Department of Homeland Security (DHS)/ FEMA; Incident Command Systems (ICS) 300 & 400 from Texas Engineering Extension Service (TEEX)
- P.O.S.T Teaching Certificate-Institute of Criminal Investigations (ICI) Arrest and Search Warrants
- Supervisor's Leadership Institute (SLI) Class #51

Since 2006, I have responded to, and/or been involved at various levels with more than forty officer-involved shootings as the Lieutenant of Homicide, Captain of Investigations (Major Crimes), Commander of Investigations, Commander of Patrol and Deputy Chief assigned to the San Francisco Municipal Transportation Agency. Predictably, my involvement with officer-involved shootings evolved from being responsible for the actual investigations to a **voting** member of the San Francisco Police Department's, Firearms Discharge Review Board (FDRB), again, charged with determining whether those shootings were in or out of compliance with policy.

Specifically, as the Lieutenant of the Homicide Detail, I was directly responsible for reviewing and approving the quality of the investigations and the findings of at least (10) officer-involved shootings. After my review and approval, the investigating officers and I presented our findings to the San Francisco Police Department's Firearms Discharge Review Board (FDRB), allowing the Board to decide whether or not the officer-involved shooting was within the Department's policy. At that time, the FDRB was comprised of the San Francisco Police Department's four Deputy Chiefs.

Evaluation and Findings

I am evaluating this incident to determine if Deputy Kubota's shooting of Chaka Grayson was reasonable and compliant with the requirements of the current policy of the Marin County Sheriff's Office. Deputy Kubota's attorney, [REDACTED], provided me with the following documents and information that I used to evaluate this incident:

- 1) Notice of Intent to Discipline/ SI 2013-10 – authored by [REDACTED] dated June 18, 2014.
- 2) Special Investigation (SI No. 13-10) authored by Sergeant [REDACTED]; dated 03/29/14
- 3) Transcripts of witnesses and Deputy Kubota's interviews indexed by Sgt. [REDACTED] dated 01/20/14
- 4) Documentary evidence indexed by Sgt. [REDACTED] dated 01/20/14
- 5) Case Law - Graham v. Connor
- 6) California Penal Code Sections 834(a), 835, and 245(c)

- 7) [REDACTED] Expert Opinion
- 8) [REDACTED] Expert Opinion
- 9) San Francisco Police Department – *Five Year Study* publication – authored by Assistant Chief (San Francisco Police department) Morris Tabak; dated January 2010
- 10) California Department of Justice Bureau of Forensic Services Field Investigation Reports for July 16, 2013 and August 7, 2013
- 11) Marin County Sheriff's Office General Order – Use of Force; dated 11/2/09
- 12) Marin County Sheriff's Office General Order – Use and Discharge of Firearms; dated 10/4/94 & Rev. 9-1-99
- 13) San Francisco Police Department General Order – Use of Firearms; dated 11/01/95
- 14) (2) DVD discs of photographs related to this case – (1) Labeled 13-3957 Photos MS9 1 of 2 and (1) labeled Photos & Diagrams Vehicle Comp 12-3957 MS9 2 of 2

Additionally, I reviewed Dr. William Lewinski's research article, *New Developments in Understanding the Behavioral Science Factors in the "Stop Shooting" Response (2009)* to form my conclusions and opinion.

After a thorough review of all of the material and information, **I believe that Deputy Kubota acted reasonably and within the scope of the Marin County Sheriff's Office's General Orders. The forensic science and Force Science research support my conclusion.**

Traffic Stop - Agreement

According to the information I have reviewed, all parties who have reviewed the documentation regarding this incident **agreed** that Deputy Kubota was on duty; in full Marin County Deputy Sheriff's Office uniform, and driving a clearly marked Marin County Sheriff's Office marked vehicle with the emergency light illuminated. All parties also **agreed** that Deputy Kubota was **lawfully** attempting to detain Chaka Grayson to investigate a 14601 CVC violation (driving on a suspended driver's license) and that Grayson was on parole. It is clear that Deputy Kubota knew that Mr. Grayson has an extensive and violent criminal history, including the fact that Mr. Grayson ran away from Novato Police officers in the past.

Deputy Kubota parked his vehicle behind Mr. Grayson's vehicle almost perpendicular to the curb and witnessed Mr. Grayson exit the passenger side of the vehicle. Deputy Kubota stated that he believed that Mr. Grayson was about to run away, so he lawfully ordered Mr. Grayson to get back into the vehicle. Mr. Grayson complied, but laid down across the front seat of the vehicle, so that Deputy Kubota could not see what Mr. Grayson was doing. Mr. Grayson's actions were suspicious and abnormal. Deputy Kubota's heightened officers safety concerns were reasonable and warranted.

Deputy Kubota decided to approach Mr. Grayson's vehicle to investigate further and gain ground on Mr. Grayson in order to avoid a foot chase. Deputy Kubota approached Mr. Grayson's vehicle and positioned himself between the driver's door and the front of the vehicle while yelling to Mr. Grayson demanding that he (Mr. Grayson) show his hands. Deputy Kubota made eye contact with Mr. Grayson while continuing to demand that Mr. Grayson show his hands. Mr. Grayson refused to comply with Deputy Kubota's lawful demands, and then started the vehicle. Deputy Kubota ordered Mr. Grayson to turn off the ignition. Mr. Grayson refused to comply and put the vehicle into drive.

Mr. Grayson accelerated forward while turning the steering wheel to the left (toward Deputy Kubota), but struck the car that was parked in front of him. Mr. Grayson put the car in reverse, turned the steering wheel to the right, backed up and collided with the curb. Deputy Kubota stated that he moved one step away from the vehicle to avoid being struck as the front end of the vehicle swung in his direction. Deputy Kubota continued to tell Mr. Grayson to stop the vehicle. Mr. Grayson refused to comply. Mr. Grayson put the vehicle in drive turned the steering wheel to the left and accelerated toward him (Deputy Kubota) at a high rate of speed. Deputy Kubota stated that he believed he was in imminent danger of serious bodily injury or death, so he discharged his firearm (16 times) at Mr. Grayson. (Note: Mr. [REDACTED] disagreed with the last sentence – in his opinion Deputy Kubota was not a victim of an aggravated assault with a motor vehicle because Deputy Kubota had stepped out of the oncoming vehicle's direction of travel, hence he was not justified in discharging his firearm).

Relevant California Penal Code Sections – Responsibility of this Officer-Involved Shooting

In my opinion, Mr. Grayson is responsible for causing Deputy Kubota to shoot at him. The California Penal code provides the following sections that directly relate to this incident.

P.C. 834a. If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.

P.C. 245(c) Any person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for three, four, or five years.

There is no doubt that Mr. Grayson knew that Deputy Kubota was a peace officer, acting in the scope of his duties to lawfully detain and arrest him for a 14601 CVC violation. Mr. Grayson had a **duty** to refrain from using force or any weapon to resist Deputy Kubota's detention or arrest. If Mr. Grayson had complied with the law, this incident would not have occurred.

P.C. 835a. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

In my opinion, it is clear that Deputy Kubota believed that Mr. Grayson had committed a public offense and that it was Deputy Kubota's intention to arrest him for that offense. Deputy Kubota was acting within his **legal rights** when he decided, "not to retreat or desist from his efforts."

Case Law

In May 1989, the United States Supreme Court, in *Graham v. Connor* (490 U.S. 386) decided that reasonableness of an officer's use of force must be from the perspective of a reasonable officer on scene when the Court opined in part that:

"Our Fourth Amendment jurisprudence has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to affect it. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, *rather than with the 20/20 vision of hindsight* (emphasis added). Because "[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," *Bell v. Wolfish*, 441 U.S. 520, 559 (1979), however, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.

Marin County S.O.'s policies

Marin County Sheriff's Office (MCSO) General Order 04-06 **Use of Force** - dated 11-02-09 reads in part:

"Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force for each incident. While it is the objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force."

"Reasonably necessary force: The force that is reasonably necessary in light of the totality of the information and circumstances confronting deputies."

"It is recognized that officers are expected to make split second decisions and that the amount of time available to evaluate and respond to changing circumstances may impact an officer's decision."

Marin County Sheriff's Office (MCSO) General Order 04-03 **Use and Discharge of Firearms** -dated October 4, 1994 Rev. 9-1-99 reads in part:

"It is the policy of the Marin County Sheriff's office that deputies should exhaust all other reasonable and lawful means of discharging their duties before resorting to the use of firearms."

Firearms shall only be discharged under the following circumstances:

- When necessary in defense of the deputy's life, or to prevent serious injury to his person.

Firearms shall not be discharged under the following circumstances:

- From or at a moving vehicle except when in the necessary defense of the deputy's life or the life of another person.

Deputy Kubota's Actions

When Deputy Kubota initially encountered Mr. Grayson he was seated in his vehicle. When Deputy Kubota made a U-turn in an attempt to affect a traffic stop on Mr. Grayson, Mr. Grayson attempted to exit the vehicle. At that point, Deputy Kubota's marked Sheriff's vehicle was nearly perpendicular as opposed to parallel to the curb. Deputy Kubota stated that he believed that Mr. Grayson was going to flee on foot. A completely reasonable assumption based on Deputy Kubota's knowledge of Mr. Grayson's past criminal history. Deputy Kubota made a split second decision to exit his vehicle and gain ground on Mr. Grayson before he (Mr. Grayson) took off running in order to avoid a foot chase. As the MCSO's policy reads: "It is recognized that officers are expected to make split second decisions and that the amount of time available to evaluate and respond to changing circumstances may impact an officer's decision."

Based on my training and experience and scores of foot chases, I believe that Deputy Kubota's decision was a reasonable one and within MCSO policies as this was not a high-risk stop. He made a reasonable decision in a split second to advance on Mr. Grayson in order to avoid a foot pursuit. Remember, *Graham v. Connor* dictates that the reasonableness of an officer's split-second decisions must be judged "from the **perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.**"

Deputy Kubota approached Mr. Grayson's vehicle and positioned himself between the driver's door and the front of the vehicle while yelling at Mr. Grayson demanding that he (Mr. Grayson) show his hands. Deputy Kubota made eye contact with Mr. Grayson while continuing to demand that Mr. Grayson show his hands. Deputy Kubota stated that he had no idea why Mr. Grayson acted as he did "whether he's committed a crime, about to commit a crime, **armed**... whatever it could have been." Regardless of the reason, Mr. Grayson refused to comply with Deputy Kubota's lawful demands, and then started the vehicle. Deputy Kubota ordered Mr. Grayson to turn off the ignition. Mr. Grayson refused to comply and put the vehicle into drive.

Mr. Grayson accelerated forward while turning the steering wheel to the left (toward Deputy Kubota), but struck the car that was parked in front of him. (Note: the CSI photographs of the damage to each vehicle confirm this). Mr. Grayson put the car in reverse, turned the steering wheel to the right, backed up and collided with the curb. Deputy Kubota stated that he moved one step away from the vehicle to avoid being struck as the front end of the vehicle as it swung in his direction. Deputy Kubota stated that at that point, the vehicle's left front bumper was pointed directly at him. Deputy Kubota continued to tell Mr. Grayson to stop the vehicle. Mr. Grayson refused to comply. Mr. Grayson put the vehicle into drive and turned the steering wheel to the left (CSI's photographs with a trajectory rod through the tire support his assertion) and accelerated toward him (Deputy Kubota) at a high rate of speed.

Deputy Kubota stated that at that point, he fully believed that his life was in imminent danger because he believed that Mr. Grayson was going to run him over with his (Mr. Grayson's) vehicle. Deputy Kubota stated that as he stepped **backwards**, (which would mean he would be positioned further into the middle of the street and vulnerable) he began firing into the advancing vehicle and continued to fire as it drove past him. Deputy Kubota stated that Mr. Grayson's vehicle was ten feet away from him when he fired the last of his sixteen rounds. Deputy Kubota stated that he was in fear for his life throughout the entire incident.

In this case, Deputy Kubota continued to shoot without any change to the threat's (vehicle's) activity. The vehicle didn't slow down or stop - **it accelerated**, the opposite of what he or any other officer would **expect**.

(**Note:** The following three paragraphs are excerpts from the Force Science Research Center's (FSRC) study on officer-involved shootings. FSRC's thorough analysis begins on page 16).

The Force Science Research Center (FSRC) has been dedicated to understanding the *stop-shooting problem* when an officer is shooting and assessing, and our research and the research of other universities are beginning to shed light on why an officer who is both shooting and assessing **cannot stop shooting immediately**.

This research has found three main components to stopping: (1) that stop and go processes in the brain seem to operate independently of each other, so the cognitive process to stop is racing against the cognitive process to go; (2) **the longer the delay between the onset of the go stimulus and the onset of the stop stimulus, the harder it is to stop** —theoretically, then, for police officers, **the more rounds they have continuously fired, the harder it becomes to stop that reaction and the longer the time frame before they can stop**; and (3) **when you are asked to respond to more than one stimulus at a time, the reaction time to the second stimulus will be slower than if they both had been independently presented**.

As Force Science's research disclosed, the longer the officer **perceives** the threat, and the expected outcome of shooting at that threat, the **longer** the officer shoots at the threat because there is **NO CHANGE in the threat**. In this case, Mr. Grayson's vehicle continued **advancing as opposed to stopping**. So, the longer the police officer perceives the threat is real, the longer it will take the officer to **stop shooting**. Force Science research estimates that **a police officer will shoot an extra 3 to 6 rounds because it is NOT humanly possible for him to stop**.

Deputy Kubota admitted to shooting at the vehicle as it passed him until it was about 10 feet away when his Glock "went dry" (change in stimuli). A Buick Le Sabre is about 16 - 18 feet long, so in 1 second at **ONLY 10 mph** the vehicle would travel more than 14.5 feet, according to Force Science's research. Deputy Kubota stated he fired his last bullet when Mr. Grayson's had passed him and was 10 feet away. So, if the vehicle was accelerating rapidly, it is not unreasonable to conclude that the vehicle was driving 20 mph. At 20 mph, that would mean Deputy Kubota discharged his last bullet when the vehicle was approximately 7.5 feet away – **in one half of a second**. In a dynamic, rapidly unfolding, life-threatening event that is **NOT** unreasonable.

Therefore, in my opinion, it is reasonable that what started out as a traffic stop and potential foot chase quickly turned into an aggravated assault (felony) with a motor vehicle. Deputy Kubota believed that his life was in imminent danger. His split second decision and reaction to the threat was reasonable and within MCSO's policy.

Forensic Science Supports Deputy Kubota's Testimony

On July 8, 2013, Deputy Kubota provided a detailed account of this officer-involved shooting to Detective [REDACTED] of the Novato Police Department. During Deputy Kubota's interview, he described the sequence of events as Mr. Grayson attempted to evade him by driving his vehicle forward into the vehicle parked in front of his vehicle and then reversed direction striking the curb. Deputy Kubota provided a hand written estimation of his position just prior to discharging his firearm, which placed him in front of the on the driver's side left bumper. It was at that point when the vehicle accelerated at a high rate of speed toward Deputy Kubota.

I reviewed the crime scene photographs taken on the night of the incident that clearly show damage to the driver's side rear bumper of the vehicle that was parked in front of Mr. Grayson's vehicle at the time of the incident and damage and a light colored paint transfer on the right front bumper of Mr. Grayson's vehicle. The crime scene photographs clearly establish that Deputy Kubota was telling the truth..

As part of this investigation, the California Department of Justice, Bureau of Forensic Services was asked to process Mr. Grayson's vehicle. The investigators photographed and documented the approximate trajectories of the bullets that Deputy Kubota fired at Mr. Grayson's vehicle by placing (trajectory) wands through the bullet holes into the vehicle and through the front left tire. Senior Criminalist [REDACTED] stated that all of the trajectories described in her report were approximate due to a number of factors, including but not limited to "the moving vehicle, changing shooter position, changing vehicle position and the variable/changing terrain." Criminalist [REDACTED] opined that the bullet holes numbered 11 and 12 were likely to be the first ones fired.

I reviewed the photographs taken of Mr. Grayson's vehicle. One of the photographs shows a trajectory wand through the front left tire into the driver's side wheel well of Mr. Grayson's vehicle. The photograph shows the left front tire is turned to the left, but **not turned all the way** to the left.

In my opinion, these photographs further support Deputy Kubota's testimony as truthful and that it was his belief that it was reasonable and necessary to discharge his firearm in defense of his life. As the Supreme Court wrote in *Graham v. Connor*, the "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, ***rather than with the 20/20 vision of hindsight***. Certainly no one would expect that Deputy Kubota would know the exact turning radius of a 1993 Buick, especially during a dynamic, rapidly unfolding officer-involved shooting.

San Francisco Police Department – Five-Year Study of Officer-Involved Shootings

In 2009, the San Francisco Police Department published an in-depth report regarding the fifteen officer-involved shootings that occurred during a five-year period (2005 through 2009). At that time, the **Use of Firearms** policy (dated Rev. 11/01/95) of the San Francisco Police Department had been in effect for fourteen years. That policy is very similar to the current policy of the Marin County Sheriff's Office in that **(and in part)**:

SFPD General Order 5.02 Use of Firearm

C. Discharge of Firearms

1. Reasonable methods of Apprehension. Officers shall not discharge a firearm in the performance of their duties except in the circumstances described below in Section I. C. 2, and only after all other reasonable methods and procedures of apprehension and control have failed. "Other reasonable methods and procedures of apprehension and control" shall be based upon the officer's capabilities at the time of the discharge, the nature and immediacy of the threat, the extent of threat to innocent persons, the nature of the crime and the suspect's reputation for violence.

2. Permissible Circumstances. Officers may discharge a firearm in any of the following circumstances:

a. In the necessary defense of himself/herself when the officer has reasonable cause to believe that he/she is in imminent danger of death or serious bodily injury.

C. Discharge of Firearms (continued)

5. Prohibited Circumstances. Officers shall not discharge firearms under any of the following circumstances:

b. At or from a moving vehicle unless the circumstances come within the provisions as set forth in Section I., C., 2., a., b. of this order.

Marin County Sheriff's Office General Order 04-03 **Use and Discharge of Firearms** –dated October 4, 1994 Rev. 9-1-99 reads in part:

"It is the policy of the Marin County Sheriff's Office that deputies should exhaust all other reasonable and lawful means of discharging their duties before resorting to the use of firearms."

Firearms shall only be discharged under the following circumstances:

- When necessary in defense of the deputy's life, or to prevent serious injury to his person.

Firearms shall not be discharged under the following circumstances:

- From or at a moving vehicle except when in the necessary defense of the deputy's life or the life of another person.

When comparing the two Agencies' General orders, it is obvious that the wording of the General Orders of the two Agencies is similar.

The San Francisco Police Department's – *Five Year Study (2010)* disclosed a plethora of information regarding the fifteen officer-involved shootings, in which police officers discharged their firearms. During this time period, on three different occasions police officers discharged their firearms at the suspects of motor vehicles who were attempting to strike or run over the police officers with their vehicle.

On each occasion, the police officers testified that they shot at the drivers of the oncoming vehicles in the necessary defense of himself/herself because he/she had reasonable cause to believe that he/she was in imminent danger of death or serious bodily injury.

In my opinion, the results of the *Five-Year Study (2010)* are applicable in this case because the facts of Deputy Kubota's discharge are similar to the San Francisco cases, and so are the Departments' policies. At that time, the San Francisco Police Department's Firearm Discharge Review Board, comprised of all four of the Department's Deputy Chiefs, reviewed each of the cases and determined that each of the shootings were **within policy**. Therefore, I believe that Deputy Kubota's actions were reasonable and within the Marin County Sheriff's Office policies.

(Note: The one difference in Deputy Kubota's officer-involved shooting is the fact that he was **alone** when the encounter happened. In each of the three (similar) San Francisco Police Department cases, there were at least **two** officers present at the time of the discharge).

Force Science Research Center (2009):

William J. Lewinski is a behavioral scientist specializing in law enforcement-related issues. He has a PhD in Police Psychology and is a tenured, full professor in the Law Enforcement Program at Minnesota State University, Mankato. He is the founder and director of the Force Science Research Center (FSRC) at Minnesota State University, Mankato, and the CEO of the Force Science Institute, Ltd. Dr. Lewinski is conducting the leading research on human behavior in force encounters. He has over 30 years of experience studying officer-involved shootings.

The Force Science Institute, Ltd., is dedicated to the study of human dynamics in high stress, rapidly unfolding incidents in which police officers used different levels of force, particularly during officer-involved shootings. Through his research, he has discovered sophisticated time and motion

measurements that have provided valuable insight into the physical and mental dynamics of life threatening events, including officer-involved shootings. His research has disclosed that action beats reaction time every time because reaction time encompasses stimulus identification, response selection and response programming.

In 2009, Dr. Lewinski published the findings of his research of officer-shootings in his research paper titled, *New Developments in Understanding the Behavioral Science Factors in the "Stop Shooting" Response*. Dr. Lewinski studied the affects neurophysiology of fear, human instinct, time and distance measurements of reaction times, and the mental Chronometry of police officers during visually complex, dynamic, rapidly unfolding circumstances like officer-involved shootings. (Note: Mental Chronometry the scientific studies of how quickly the human mind and body react, and do react to stimuli).

I read Dr. Lewinski's research in order to form my opinion regarding Deputy Kubota's actions. I have **highlighted in bold type** excerpts of his research that explains why Deputy Kubota continued to discharge his firearm sixteen times even though Mr. Grayson's vehicle had actually passed him.

New Developments in Understanding the Behavioral Science Factors in the "Stop Shooting" Response (2009)

A law enforcement officer can use deadly force with a firearm in a variety of circumstances. However, once that officer has used deadly force, the microscope of the investigators, his or her department, the courts, and society will focus on the circumstances of the shooting and the officer's response(s) to those circumstances. Inherent within this investigation will be a close scrutiny on two phases of the shooting. First, the officer's decision and/or reaction to start shooting and then the officer's decision and/or reaction to stop shooting.

For understandable reasons, in lethal force encounters, the officer's primary focus is usually on surviving threats to his or her life, and most of the officer's preparation and training has focused on the officer's responses that would most likely guarantee that survival. Very little attention if any is focused on immediately stopping shooting when the lethal threat changes—**even if stopping immediately was humanly possible**.

Since at least the mid 1980s, a developing and predominant training approach has been to have officers shoot and assess **simultaneously**. This training method of shooting and assessing evolved and became more popular as more was understood in the law enforcement community regarding the actual stopping power of a bullet and the kind of circumstances officers confront when attempting to save their lives or the lives of others by means of lethal force.

Recent research has also revealed that even **novice** shooters can fire at least **three rounds in 1.5 seconds**. **Therefore, the safest way for an officer to respond in a firefight is to shoot and continue to shoot accurate shots on target until the threat stops.**

For instance, an officer who is shooting to stop the threat and is intently focused on accurately shooting or, on the other end of the spectrum, an officer who is emotionally recoiling at the thought of his or her own apparent and imminent death and is intently shooting to save his or her own life **are**

both going to be impaired in their ability to perceive and respond immediately to changes in the subject's behavior.

The research found that stopping reaction time from a continuous action in more "real world" circumstances when he conducted a review of the literature on braking reaction times with drivers in automobiles or simulators—a slightly different form of stopping. The research indicated that **under expected** conditions, reaction time to begin braking was between 0.70 to 0.75 seconds, while **under unexpected** conditions, reaction time was **1.5 seconds or longer**. This rather **large** disparity between 0.70 or even 1.5 seconds may be attributable to the differences between studies conducted in pure **laboratory** conditions that isolate a specific phenomenon compared to **real-world** research which involves a variety of phenomenon, including attentional problems and automatic motor programs that are difficult to interrupt or control in real-world studies but are usually controlled for in a laboratory study.

Each one of these components cited above, if they applied, would **add time to the overall ability of the officer to stop shooting as soon as the threat changes**. Plus, there are other factors to consider. For example, in examining a version of the conditions, when a subject made a decision involving only one choice, it resulted in an average reaction time of 0.20 seconds. Each additional choice adds up to 0.05 seconds more. Stopping is therefore a singular or series of multiples and/or a complex of dynamic processes, which can be affected by several different factors, all of which have an impact on reaction time to both **start and stop anything**.

Force Science Research Center's Tempe Study

First, FSRC's work with the "Tempe Study" was focused on the starting and stopping reaction to the most elementary circumstances. When a light was turned on, an officer armed with a specially equipped training gun was to pull the trigger of the gun as often as he or she could until the light went off. The light was turned on randomly and turned off randomly so that the officer never knew when the test was going to begin or end, **but the officer did know it was going to end and that this was not a threatening situation**.

From a previous "Tempe Study," FSRC knew that the average time to see the light come on and to begin to pull the trigger, for the average officer was a full quarter of a second. FSRC set up a Glock training pistol with a system that allowed a precise measurement of the time to complete the physical action of a trigger pull. That time was 6/100ths of a second for the average officer using a short stroke Glock. Therefore, the quarter of a second perception processing time and the 6/100ths of a second reaction/motor time resulted in a time to complete the first trigger pull in response to the simplest stimulus of 31/100ths of a second.

Because of the simplicity of the stimulus in their study (a single light going on or off), FSRC was able to obtain the fastest reaction time possible for the average officer to respond to anything and that includes **both starting and stopping shooting**. **Any other type of reaction or response in any other circumstance is going to take the officer longer.**

FSRC discovered that the quickest an officer could stop shooting in response to a simple change in external circumstances, when he or she was actively engaged in the process of starting to shoot or actually shooting until the threat stops, is approximately 35/100ths of a second, **with most of the officers (68%) taking up to 6/10ths of a second.**

Because the average time for the average officer to cycle through trigger pulls on a Glock while firing multiple rounds is approximately a quarter of a second, our data means that the average officer is able to react to the **simplest** external stimulus to shoot and back off the trigger pull **after firing two rounds when the stimulus is extinguished.**

We must make two important qualifications here. First, for the most part, most of the officers were trying to pull the trigger as quickly as possible. Secondly, the officers knew the light was going to go off; they just didn't know when.

The conclusion from this research is that even though some officers in real life shooting situations in the street will stop shooting as soon as the subject stops his or her threatening behavior, **for most officers who perceive a threat and respond to that threat by shooting until the threat stops, those officers (shooting and assessing) will still fire at least two rounds from a Glock or similar short stroke weapon. This will occur not when the subject has changed their threatening behavior but after the officer begins to detect a change in the threatening behavior. This distinction is important because the psychological processes of perception and detection will often take many times longer than the physical responses involved.**

The Tempe Study measured the **fastest** time for the average officer in the **simplest circumstance to stop shooting.** Every other type of shooting circumstance is going to generate a **longer time to stop shooting** in response to a change in circumstance outside of the officer.

This is due to the following:

- Simplest Challenge***—FSRC'S laboratory test was the simplest challenge the officer could face. It doesn't get any simpler than light on and light off. **Actual shooting situations on the street often demand much more complex decision making to both starting and stopping shooting than FSRC tested in the lab.** These sometimes profoundly complex perceptual and decision making processes can also be significantly emotionally laden and that can profoundly complicate and subsequently **increase the time for the perception of a change in the threat and the resulting decision and reaction to stop shooting.**

- Selection of the "Right Threat to Focus On"***—Street encounters are more **visually and auditorily** complex than the test conditions in the laboratory and often require the officer to see and hear many things simultaneously. This requires the officer to select the most important thing to focus on and hopefully this also turns out to be the most important factor(s) for the officer's safety and ultimate survival on the street and in the legal aftermath.

For instance, an officer who is focused on a front sight placement (aka point and shoot) **will not** be able to immediately see a change in the assailant's threat action and therefore will sometimes **shoot many more rounds after the threat has changed or stopped.**

•***Expectation that the Threat Will Stop or Continue***—Most officers in an actual firefight do not know if or when the threat they are facing will cease or whether they will die before the threat stops. **This primes their reaction to continue until a “noticeable” change occurs in “their perception” of the threat.** If the “noticeable” change is different than what the officer expects or what actually occurs at a different location than the one the officer is focused on—that in and of itself **will lengthen the officer's reaction time to stop shooting.**

Given all of these factors, it is clear that FSRC just laid down the bottom line on reaction time: **It gets much more complicated from this point and, often, unfortunately for the officer, slower.**

The Role of the Eye in Stopping Shooting

The following factors are very old and well-understood psychological principles that have been tested in a variety of circumstances and that in *performance psychology* are known to affect the areas of vision, perception, and attention. They do have a profound impact on perception, processing, and reaction time to both starting and stopping anything and also impact the human performance reaction in a shooting situation. Recent studies in these areas, as published in *The Journal of Neuroscience* and a variety of other professional and popular publications, have lent further understanding as to how these factors function in lethal force encounters and will help explain why some officers take so long to both start and stop shooting. Before we can understand the psychological factors in perceiving a threat, we first must understand the physical role of the eye.

To understand the significance of this, the reader must first understand how information gets into the brain. Seeing that a lethal force encounter is primarily a visually dominant activity, this will be illustrated with an explanation of the process of seeing. In doing so, it can be demonstrated that the research challenges the belief that we can see, record, and react to more than one thing at a time, particularly under conditions of intense visual focus.

This does not mean that we cannot react to visual stimuli in the peripheral vision—in fact, quite the opposite is true—but under conditions of intense visual focus, our ability to perceive and react to stimuli in the peripheral vision is impaired.

The reality is that each eye is capable of clearly seeing only within two to three degrees of what it is staring at. Everything else is in our peripheral vision, and the clarity of the peripheral vision changes from “fairly good” when looking almost straight ahead to “very bad” at the outside of our peripheral vision.

What this means for an officer involved in a shooting is that the specific visual focus of the officer (left or right, near to far, and specific to general) will dictate what the officer is able to clearly see and react to or report. If the officer is not specifically focused on it, as we will see later, the officer—if he or she sees anything at all—will not be able to react very effectively to it or remember it.

A qualifying factor should be included here. Peripheral vision is excellent for acquiring a variety of information, including our distance from objects. Even so, it creates significant problems for officers involved in shooting situations in two areas.

First, peripheral vision is excellent for judging the speed of travel of objects coming close to us such as a tackler in football or a fastball in baseball. However, the phenomenon of how the eye judges the path of travel and speed of an approaching object is conducted differently with focal vision rather than with ambient vision.

When an officer becomes aware of an object coming toward him or her, such as an automobile, out of their peripheral vision, and then shifts to judging the path and speed of the vehicle with his or her focal vision, the shift in visual processing from focal to peripheral can result in the perception that the vehicle has “jumped” toward them. Forensic investigation may or may not find physical evidence to support this, but this perception of “jumping” may be due to a shift in how the information is processed by the eye and brain. This qualifying point is added here because the perception of the “jump” may lead an officer to begin to shoot when they normally would not have or to shoot earlier than they might have.

The Role of Attention and Shifts in Attention

The brain, through the senses, primarily the visual sense, gets the information it needs to deal with the world. Because the senses and the brain are bombarded every second with vastly more information than the brain can use and most of which is irrelevant, **the brain focuses on what is currently important to it and generally ignores everything else** unless something “catches” our attention.

The same is also true for an officer in a shooting situation. Before the authors explore this further, the process of *visual accommodation* needs to be explained. Just as the reader can shift his or her visual attention from peripheral to focal vision, he or she can also shift it from near to far. This shifting process is called “visual accommodation.”

The reader can again experience this for him or herself through conducting a simple study. First, the reader should hold the thumb of either hand in front of his or her body at arm’s length. If his or her vision is focused on the thumb, the background will blur. If he or she focuses on the background, the thumb, or the foreground, will blur. Although, again, the reader is likely unaware of it, shifts in this type of focus from near to far and back again take time. If the reader was to also clarify what he or she saw at either end of the shift of visual focus from near to far and back again, it would take as long as **half a second** or more to shift and come back again.

If an officer is focused on his or her sights or has his or her sights on a subject he or she cannot completely and accurately report what the subject he or she is aiming at, or anything else in front of the officer, is doing precisely at the time he or she is sighting.

The implications of this officer's "inattention" are twofold. First, the officer will not be able to immediately "react" to anything that either newly presents as a threat to the officer or changes in the current threat situation while the officer is not narrowly focused on them. Secondly, the officer will not be able to "remember" things directly outside of his or her narrowly focused area of attention because he or she would literally not have seen it or not have seen it clearly enough to accurately remember it.

The reader might also logically conclude that if he or she cannot accurately see something and he or she needs to, the reader might have to first "focus" on it (visual and attentional focus **takes time**) to "clarify" that the reader is seeing what he or she believes he or she is seeing (**this takes time**); "make a decision" about it (**this takes time**); and, then, "stop" doing what he or she is doing—in this illustration, shooting.

This simple illustration of the components of a stop shooting reaction informs us that the act of putting on the brakes on a motor activity like shooting takes time, particularly under conditions of intense focus as might occur when an officer is shooting to save his or her own life.

Some officers might skip some or all of these steps, but for those who engage in all of them, the total time to stop shooting in a visually complex, dynamic, rapidly unfolding circumstance as most officer-involved shootings are could be a **total of the following approximate time factors: shift and focus (¼ of a second) clarify (¼ of a second), decision (¼ to ½ of a second or more) and stop shooting (¼ to ½ of a second)**. If the reader totals up the numbers, he or she can see that an officer who engages sequentially in all of the proceeding steps can take **a second to a second and a half or more to stop shooting**. Measured in trigger pulls, which are occurring at a quarter of a second each, **this is an extra four to six rounds after the threat stops**. This is approximately the same amount of time found for reactions to stopping in a real-world driving situation.

If the reader changes the response from *stop shooting* to *start shooting*, he or she can also easily see that an officer who does all of the above steps will take **three quarters of a second or more to start shooting**.

Most officers do not take this long to stop shooting after the threat changes. **Some take longer**. Some of the officers may take longer because one of the previously mentioned stages is **demanding more time of them such as a shift in focus, the officer needs to clarify a change in the threat, or the officer is actually engaged in a complex decision process**.

Each of these or combinations of these could dramatically **increase the time it takes for an officer to stop shooting**. Officers also take longer for other reasons. The primary author of this paper found the most frequent reason for delayed reaction time is that the officer is psychologically recoiling from being in the middle of an assault on his or her life. In attempting to emotionally cope with this threat and simultaneously rally a life-saving response, the officer is **unable to instantly perceive even major changes in the threat**.

Preoccupation with his or her own reactions and efforts, literally draw the officer's focus and attention away from the threat and, in fact, anything outside of his or her own responses. In these cases, the officer is not **shooting to stop but shooting to save his or her life**.

Although these two responses should be the same, the way they are being used here is quite different. The officer who is externally focused on the threatening subject, the behavior of that subject, has his or her sights focused on the subject, and is shooting to stop the threat is the officer who is most likely to actually hit and stop the threat and then be able to back off the trigger pull fairly effectively.

The officer who is emotionally recoiling from what most frequently is a sudden, life-threatening assault and who is shooting to save his or her life because of his or her internally focused, emotional response may be more likely to not be focused on the threat and to engage in a “spray and pray” shooting pattern instead which is ineffective—particularly in a dynamic, active, rapidly unfolding shooting scenario. It also means that an officer with this type of emotional response is going to be very unresponsive to changes in the behavior of the assailant who is threatening him or her because the officer simply will not notice it.

The officers who do not take this long to stop shooting may be exceptionally fast; they may have skipped one or more of the steps, most likely the clarify step or the decision step; or they simultaneously engaged in several steps and thus shortened their total response time. Some officers who do not fire all of these “extra” rounds may stop for some other reason than a change in the threat level. Or they may see a change in the threat level but interpret it differently than their fellow officers—for instance, one officer may see someone collapsing to the ground and perceive he or she is no longer a threat and stop shooting, while another officer may perceive the same subject engaged in the same motion and see it as “crouching down” and believes that the subject is still a threat. This second officer will continue shooting even though the first officer has stopped.

Further, officers will sometimes stop shooting because in training they rarely fired more than two or three rounds in sequence, or they thought they would never have to fire more than two or three regardless of their training. Some officers may simply fire a few rounds because that is all they will ever fire under any circumstance. Some officers, regardless of the threat level, are reluctant to fire at all and do so only very slowly, thus allowing them to better see behavioral changes in the threatening subject and to stop shooting faster. It also makes it **more dangerous** for them under actual firefight conditions. Aside from these irregular patterns, it should be clear that whether an officer’s focus of attention is externally focused on the threat or internally focused on his or her own emotional responses, **that focus of attention is going to determine the effectiveness of the officer’s shooting and his or her ability to change his or her response in relation to changes in the threat.**

Recent research from Johns Hopkins University has shed further light on our understanding of other psychological processes in lethal force encounters, **particularly our understanding of the puzzling issue of why officers are not able to stop shooting at the immediate termination of the threat.**

One of these research findings directly relates to factors that **elongate** an officer’s response to stop shooting and also to shifting to engage other targets or shooters. This research is to be found under the research name of “attentional blinks” or “inattention blindness”. They are different but related concepts. Very simply put, the research and theory holds that if you are even moderately focused on one thing, your brain not only does not process or ignores the other things you are not focused on, but also actually acts to suppress the information on which you are not focused. **This means it could be impossible for an officer in a dynamic, visually complex, rapidly unfolding shooting situation to see anything other than that on which he or she is immediately focused.**

The reason he or she cannot really see anything but that on which he or she is focused is not only because there is too much going on for him or her to focus on anything other than what is immediately important, but also the officer's own brain is helping him or her stay focused by actively blocking out the information on which the officer is not focused. An important qualifier here is that what an officer sees as important in the middle of a firefight—such as scrambling to get a sight picture—might not be the same thing an attorney or court believes is important when they review the case months or years later.

For instance, an officer who is frantically scrambling to get a good sight picture or trying to rapidly bring his or her weapon up on target as quickly as he or she can to shoot to save his or her own life will be **challenged for not noticing that the subject that was threatening the officer moved his or her head or turned his or her body during this very brief encounter.**

The time price it costs the officer to shift attention from something that he or she is focused on to something else that needs to be focused on ranges from 2/10 to 6/10ths of a second at a minimum. This means that an officer who is engaged and visually focused in putting his or her front sight on a threat could **take a quarter to more than half a second or more just to notice a change in the behavior or status of the threat** at which he or she is directly aiming.

If the officer is engaged in shooting while he or she shifts his or her focus, the officer will fire an extra two rounds before he or she notices that the threat presented by the subject has changed or that another or a different threat is present.

Again, it is very important to remember that the brain of the officer who is focused on his or her front sight actually works to suppress the information about whatever else is going on in front of him or her for a very brief period while the officer is engaged in focusing and shooting. **This also holds true for the brain of the officer who is focused on kinesthetic alignment, making a decision while being distracted with intrusive thoughts or anything else that draws his or her attention away from the threat.**

Logically, this makes sense because it is hard to simultaneously focus equally on two things at the same time or to even think of two things at the same time especially under threats to one's life. Neurologists such as Dr. Joseph LeDoux (1996) remind us about how and why we become very rigid, concrete, and inflexible in our attention and problem solving under this high level of stress. **The more sudden and unprepared we are for the assault, the more instinctive our responses will be.**

The officer reading this is likely aware of the current research and press announcements that relate to the difficulty of both talking on a cell phone and driving. The research informs us that focusing on a conversation impairs the ability to deal with visual problems while driving, such as the detection of a road hazard or the change of a driving condition, and then the processing or decision making related to coping with that change.

To escalate this illustration from talking on a cell phone and driving to a point where it is closer to the intensely focused experiences of an officer in a lethal force encounter, the reader should compare the ability to deal with a driving problem immediately after spilling very hot coffee on his or her lap. The reader's immediate focus, for even a very short duration, to the problem of the pain, wetness,

mess, etc., of the spilt coffee would significantly impair his or her ability to see developing problems down the road, engage in a conversation with someone else in the vehicle, be able to report what song or news item was on the radio, or even to be aware of the red light he or she just drove through.

Dr. Steve Yantis from Johns Hopkins, in his research published in *The Journal of Neuroscience*, helps us understand what is happening to a human being in these kinds of split attention encounters. Dr. Yantis put his research subjects in a functional MRI machine so he could observe the activity of his subjects' brains as he challenged them with different tasks related to attention. While they were in the MRI, they were able to look at a computer screen and had headphones on so they could focus on either their hearing, their vision, or both and be able to shift back and forth between them.

Dr. Yantis observed that when he required his subjects to focus on the computer screen with their eyes, the part of their brain associated with hearing was "turned down." When he required the subjects to focus on their hearing through the headphones, the part of their brain dealing with vision was significantly "turned down". Yantis says this is because the human brain has problems dealing with more than one major item at a time. Yes, we can multitask as long as nothing we are dealing with becomes very important, in which case the brain shifts all its attention to what is important at that time and we lose the ability to detect, remember, and process other issues or items.

Officers in the street have observed that when they are focused on making their firearms work to shoot to save their lives that they too might not be able to even hear someone next to them screaming in their ear or even know that they fired their own guns or how often they fired them.

Simply put, the work of Dr. Yantis illustrates and explains the attention and brain functions underlying tunnel vision and tunnel hearing. It also states that if we are focused on one thing—looking at something—and then a threat or challenge comes in through another sense, such as hearing, **our response to that is going to be much slower than it normally would be.**

So, if we are focused on seeing and specifically seeing what is important to us, we likely will not hear something that could be very important. Even if we did hear it, our reaction would be slower than it normally would be if we were listening for it.

Implications: So What Does All This Mean?

The implications of all of this are profound and wide ranging. From the point of view of a trainer, it means that an **officer dealing with a threat is going to react slower to that threat if they are not anticipating it or prepared for it.** Also, dealing with multiple subjects in a high stress encounter is going to present an extreme challenge to the officer and trainer. Not only will the officer be able to primarily see only what he or she is focused on, **but the officer's own brain may sabotage or delay the officer's ability to perceive and react to threats from others or even from the subject he or she is directing his or her attention to if he or she is not focused on or anticipating that specific threat.**

For instance, an officer focused on the subject's right hand and expecting that hand to contain a weapon is going to react much slower if the subject has the weapon instead in his or her left hand than if he or she had anticipated from the beginning that the weapon would appear in the left hand. The

officer could also speed up his or her reaction time to a weapon in the left hand if he or she were open to the option that the weapon could appear in either or both hands. In previous news lines, FSRC has discussed visual scan patterns and the influences of scan patterns on the detection of threat and the memory of that threat. The trainer needs to develop programs that will assist an officer in rapidly scanning and precisely identifying the appropriate threat components of a scenario. This may be as valuable for the officer as weapon skills.

Yantis's work and the other research we have cited in this article inform us that weapon skills are far less productive if they are not combined with great target recognition and identification skills. Further, in regards to weapon management skills, **instructors must provide training for their officers that involves dynamic movement relevant to incidents they will face and also that involves tracking and shooting at subjects who also are engaged in dynamic movement.**

From the point of view of an investigator and prosecutor, the implications are even more profound. The work previously cited and the illustrations of the work at Dr. Dan Simons' visual cognition laboratory at the University of Illinois-Urbana-Champaign inform us that even under normal non-stress conditions we are seriously deluding ourselves if we think we can see, pay attention to, react to, and remember everything that we might ideally be able to see, even if it is present or happening directly in front of us.

Yantis's work tells us that even in non-stress situations, if we are focused on the information coming into one sense, such as the eye, we are less aware or even unaware of information coming into the other senses, such as taste, smell, hearing, touch, or movement. From the work of both Simons and Yantis, it is clear that at least during a brief period of "focused attention," we are "tuned down" to information coming in from another sense other than the one we are using to focus and even in that sense we are still "tuned down" to any other information coming into that very same sense—other than that information on which we are specifically focused.

Of course, **in the laboratory, it is impossible to generate life-threatening situations** with which the research subject needs to cope. However, street research informs us that an officer can be so focused on the threat or his or her attempt to cope with the threat that the officer literally cannot hear his or her partner screaming in his or her ear, **do not notice where he or she is standing or moving to, do not record the number of rounds he or she has fired, etc.** The officer also suffers significantly from an inability to perceive information that could be, at that time, tactically important to his or her own survival, let alone information that at some later point becomes significant in a court of law, based on someone else's perception of what should have been important to the officer at the time.

In the past, these errors in attending to and recording information were termed and still are referred to as *perceptual distortions* as if in some non-stress environment we are able to sense, process, and remember in some nondistorted way everything that occurs to us. The **reality is that most of us are very poor, in fact incapable, of perceiving and recording everything that occurs to us at any particular moment.** We are often so preoccupied with our own thoughts or actions and so inattentive to the world outside ourselves that we frequently are not any more aware in the present moment in non-stress situations than when in high stress life-threatening situations. Therefore, the term *perceptual distortions* is a misnomer. **Not perceiving the totality of an event is how we normally operate.** In

fact, even in non-stress situations, once we focus on anything, even if it is an idea in our own head, we significantly compromise our ability to perceive, **react to**, and remember anything that is occurring around and to us.

Has the reader ever driven to work actively engaged in some internal problem or focused on an interesting discussion only to find that they have already reached his or her destination, oblivious of being on the journey? This phenomenon, although qualitatively different than the officer who is in a high stress, life-threatening encounter, is functionally identical. An illustration the reader might relate to is one that the primary author has experienced while working on this article on a trip from England on Iceland Air. The author was listening to music and at times did not even notice the songs that had just been played or even remember that the music was on. According to Yantis, my brain had “tuned down” the background music from my ears so I could focus on what was important to me at that time, which was looking at my computer and thinking about this article. The author notes that some songs caught his attention, but then they distracted him from the attention this article required.

What is most puzzling about all of this for the uninformed is why an **officer who is in a life-threatening situation cannot remember something that is directly connected to his or her survival such as how he or she moved or shot, how many rounds were fired, or the movement of the very person he or she was shooting at to stop that person from killing him or her.**

Besides the principles we have just covered, we need to refer to Tom Aveni’s research cited in a previous news line. Aveni’s work informs us that the average officer-involved shootings, particularly those in which officers die, involve a shooting that occurs five to six feet or less from the officer.

The average officer fires three rounds in response to the threat. FSRC’s research informs us that the threat can rapidly unfold—perhaps as quickly as in a quarter of a second or less. **In this very brief, usually dynamic, visually complex, rapidly unfolding, and life-threatening encounter, the officer, for the most part, is incapable of focusing on more than one thing at a time.**

If, for instance, the officer is focused on drawing his or her weapon, then he or she literally cannot see what the subject is doing. If the officer is skilled and trained enough so that drawing his or her weapon is automatic and instinctive, then the officer’s mind is free to think of other things. The average officer, well-trained by current standards, can only directly focus on one other thing such as what the subject is doing, but he or she might not be able to report on where, geographically, the subject is doing this.

Simons’s work tells us that if you are focused on one thing in a visual field, you cannot see another thing in that visual field without shifting your focus, so an officer who is focused on the subject’s hand on his or her waistband will not be able to see the subject’s face (without directing his or her attention to it) let alone whether or not the subject is standing next to a tree, rock, car, etc. The officer often—unless it was noted at some other time than the immediate shooting encounter—is not able to tell us where he or she is in the scene other than some vague generalizations.

The investigator needs to understand that in this brief encounter, the officer is only able to be relatively accurate about what he or she is focused on, not what the investigator later thinks is important. For instance, if the officer is focused on his or her gun and the number of shots fired, the

officer can be very accurate about that behavior, but in the case in which the focus is on the officer and the rounds fired, the officer will be reasonably inaccurate about the subject's behavior. If the officer is focused on the subject's behavior, he or she often, for instance, **cannot tell the investigator where he or she stood or accurately** report his or her own behavior for that brief microsecond of time.

As stated previously, this inability to notice and react to anything other than that on which an officer is focused is **not a myth generated** by law enforcement officers. It is a well-documented phenomenon in cop shootings—from the early work by Dr. Roger Solomon to the current work of Drs. Artwohl, Honnig, and others (Artwohl, 1997, 2002, 2003; Honig & Roland, 1998; Klinger, 2002; Solomon, 1997; Solomon & Horn, 1986).

This phenomenon has also been well-documented and explained by research in perception, attention, and cognition for over half a century. Please note the excellent summary of the literature (thousands of citations) in Niedenthal and Kitayama's (1994) *The Heart's Eye*, which focuses on almost fifty years of research on the effect of emotions on attention. Unfortunately, for a variety of reasons, the neuropsychology of why these phenomena occur has **generally not reached the law enforcement world, and the law enforcement world has not reached into academia.**

The general conclusion from all of this is that an **officer must first perceptually and attentionally recognize that the subject has ceased to be a threat before the officer can then begin to alter his or her response to the threat. This process takes time and can result in many rounds being fired at the threatening subject for some period of time after the subject has ceased to be a recognizable threat.**

Investigators in particular need to be informed about the dynamic action of subjects in deadly force encounters and should use that information to help them understand shot placement or patterns of shot placement in the subject at which the officer is firing.

For instance, a vehicle travelling at 10 miles per hour is going to travel about **14 and a half feet in one second. An officer standing in front of the vehicle with his or her weapon out as it begins to accelerate may take as little as 0.6 of a second to raise his or her weapon and fire one round, and spin to evade the vehicle.** Even with this **amazingly fast reaction time**, which would occur without thought, **the vehicle travelling at 10 miles per hour would cover over seven feet before it was hit with the first round.** If the officer had any thought at all before he or she reacted, **the first round to hit the vehicle would strike it after it had travelled over 14 feet. The same comparison could be made about the impact on the officer's stop shooting response and the influence of the time to assess that the vehicle had gone by and was no longer a threat.**

The chart included in Table I (see next page) allows investigators to also compare the officers starting and stopping time with the travel time of a human being. The same estimates can be used to determine the speed and distance travelled of a vehicle.

Table 1. Speed of Person in Miles per Hour by Stride Length and Speed per Stride in Seconds

Force Science SpeedGrid™

Time in Seconds per Stride																	
	0.17	0.18	0.19	0.2	0.21	0.22	0.23	0.24	0.25	0.26	0.27	0.28	0.29	0.3	0.31	0.32	0.33
1	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1
2	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2
3	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3
4	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4
5	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5
6	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6
7	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7
8	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8
9	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9
10	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0
11	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1
12	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2
13	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3
14	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4
15	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5
16	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6
17	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7
18	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8
19	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9
20	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0
21	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1
22	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2
23	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3
24	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4
25	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5
26	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6
27	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7
28	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8
29	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9
30	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0
31	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1
32	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2
33	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3
34	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4
35	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5
36	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6
37	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7
38	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8
39	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9
40	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0
41	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1
42	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2
43	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3
44	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4
45	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5
46	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6
47	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7
48	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8
49	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9
50	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0
51	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1
52	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2
53	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3
54	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4
55	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5
56	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6
57	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7
58	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8
59	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9
60	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0
61	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1
62	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2
63	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3
64	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4
65	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5
66	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6
67	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7
68	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8
69	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9
70	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0
71	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1
72	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2
73	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3
74	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4
75	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.5
76	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.5	10.6
77	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.5	10.6	10.7
78	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.5	10.6	10.7	10.8
79	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.				

implications for officer performance and memory in a lethal force encounter.

Conclusions

The following conclusions can be drawn from the theoretical research, applied research, clinical research, and the experiences of law enforcement officers who have survived lethal force encounters:

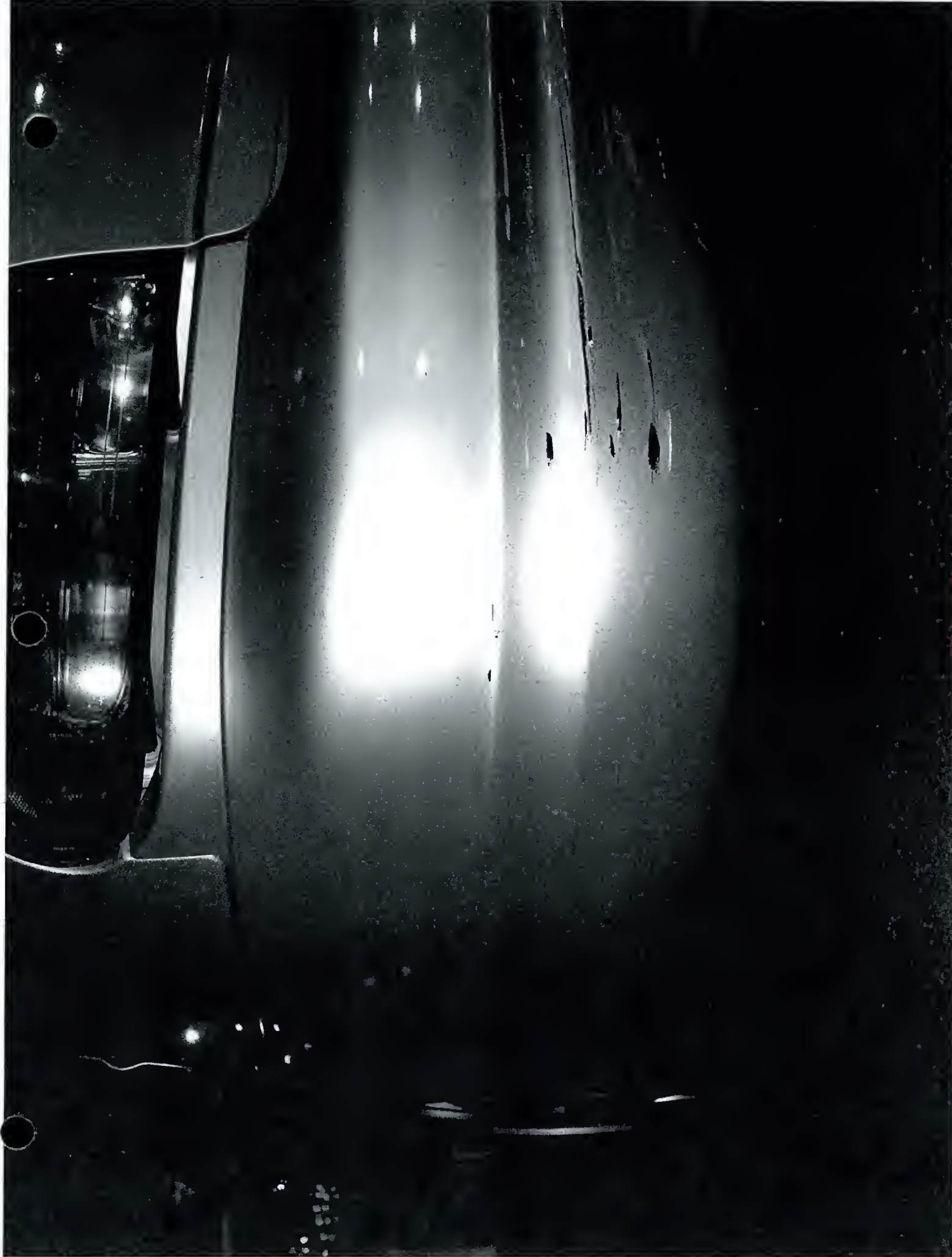
- An officer is usually not able to immediately see and react to changes in the subject(s) at whom he or she is shooting. This is not determined by whether that change is an increase or a decrease in the threat presented to the officer by the subject.
- The focus of the officer's attention—internal or external, specific or general, near or far, and left or right—will determine the officer's "ability" to perceive and react to changes in the threat and also the length of time it takes for the officer to perceive and then react to that change.
- The delay in noticing any change in the nature of the threat and having the officer change his or her behavior in response to that threat could theoretically **take the average officer a second to a second and a half in a dynamic, "real-world," life-threatening encounter if the officer did not expect that the threat would cease. This process alone could be the reason for an extra three to six rounds being fired by the officer after the threat ceased—particularly if the officer was shooting as quickly as possible, was focused on shooting to save his or her own life, or emotionally recoiling in response to that threat and also simultaneously involved in assessing the threat.** Of course, the more an officer is directly focused on the threat, the quicker a change can be identified and the officer can stop shooting.
- Officers will both start and stop shooting based on a variety of factors, including their visual angle on the incident and their ability to perceive the threat, their attentional and reactive capabilities, their weapon skills, and their psychomotor movement times.

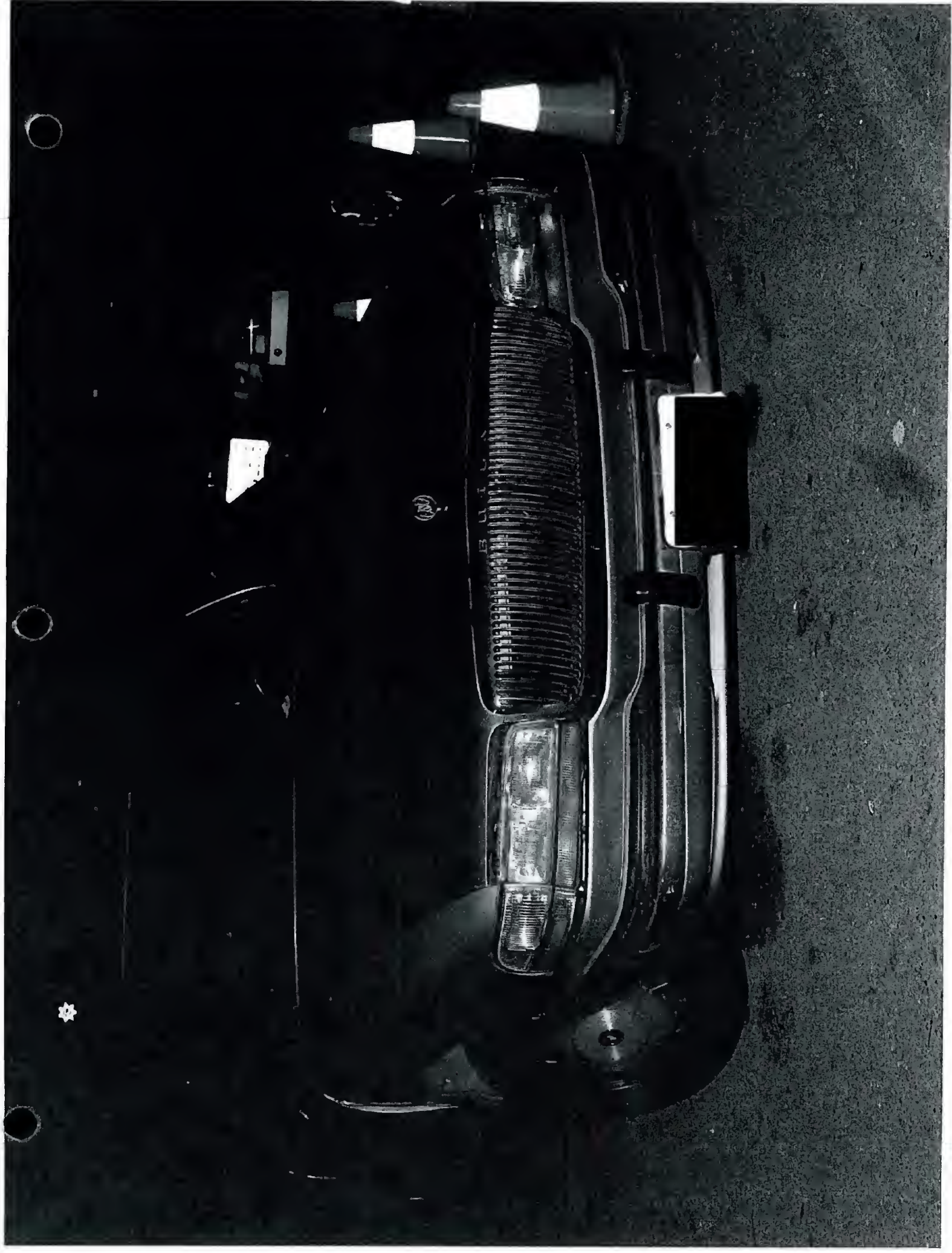
In my opinion, I believe that Dr. Lewinski's research is of particular significance for **anyone** evaluating Deputy Kubota's actions after the fact. To ignore his research would not be fair to Deputy Kubota. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, *rather than with the 20/20 vision of hindsight*. This was a visually complex, dynamic, rapidly unfolding, life-threatening event that started and ended within seconds. The Force Science Research conducted by the renowned, Dr. Lewinski, provided me with valuable insight and explains why Deputy Kubota continued to discharge his firearm even after Mr. Grayson's vehicle passed him. Therefore, in my opinion, Deputy Kubota's actions were reasonable and within the Marin County Sheriff's Office's policies.

Date: August 15, 2014













MARIN COUNTY SHERIFF'S OFFICE

1600 Los Gatos Drive, Suite 200, San Rafael, CA 94903

ROBERT T. DOYLE

Sheriff - Coroner

MICHAEL J. RIDGWAY

Undersheriff

August 25th, 2014

Deputy Evan Kubota



Reference: Notice of Intent to Discipline / SI 2013-10

Deputy Kubota,

You previously received a letter from Undersheriff [REDACTED] dated June 18th, 2014, entitled "Notice of Intent to Discipline." That letter advised you of his recommendation that you be disciplined for behavior that was in violation of various County of Marin Personnel Management Regulations and Marin County Sheriff's Office Policies, Rules and Regulations. That Notice of Intent to Discipline recommended your employment with the Marin County Sheriff's Office be terminated.

You were given an opportunity to appear before me to review and discuss the nature of the charges, secure any clarification of the matter, and for you to offer any defense and/or mitigating factors. The last day for you to had to request that hearing was July 10th, 2014.

After granting two different timeline extensions so your attorney, [REDACTED] could prepare a response to Undersheriff [REDACTED] recommendation, I met with you, Ms. [REDACTED], Undersheriff [REDACTED], and Chief Deputy County Counsel [REDACTED] in my office on August 18th, so you could present information you felt important to my making an appropriate and informed decision in this matter.

Included in the information you provided was a 32-page report authored by [REDACTED] a law enforcement consultant, and retired San Francisco Police Captain that Ms. [REDACTED] law firm engaged to review the circumstances surrounding your decision to use deadly force against Chaka Ali Grayson. That report found your actions were both reasonable and justified, mirroring, as Ms. [REDACTED] highlighted for me, the same findings made by Mr. [REDACTED] in his earlier review of the incident for the Novato Police Department.

AREA CODE 415

24-HOUR NUMBER
479-2311

FAX
473-4126

ADMINISTRATION
473-7250

CIVIL
473-7282

COMMUNICATION
SERVICES
473-7243

CORONER
473-6043

COURTS
473-7393

EMERGENCY
SERVICES
473-6584

INVESTIGATIONS
473-7265

JAIL
473-6655

MAJOR CRIMES
TASK FORCE
884-4878

PATROL
473-7233

RECORDS
473-7284

WARRANTS
473-7297

Through your attorney, you maintained you were justified in using deadly force against Mr. Grayson and that the decisions you made that day were in alignment with what any other reasonable officer would have done if confronted with a similar set of circumstances. As such, you asserted your actions did not violate any of the policies, procedures, rules, and/or regulations set forth by Undersheriff [REDACTED] in his letter of intent to discipline, and as such, you said not only should you not face termination, you should receive no discipline at all.

Subsequent to that August 18th hearing, I read Mr. [REDACTED] review of the shooting incident in its entirety, and while I note his evaluation was far more focused on policy matters than Mr. [REDACTED] earlier evaluation had been during the criminal investigation, I nonetheless found his reasoning and rationale sufficiently flawed to leave me unpersuaded to overturn the findings of this internal investigation.

In the end, I find your decision to close the distance between you and Mr. Grayson at the outset of the traffic stop and subsequent detention to have been significantly flawed in light of your admitted assumption that the only reason Mr. Grayson would have for flinging himself across the front seat and out of your view was to arm himself with a weapon.

Given that assessment, had you sought cover and/or concealment instead of advancing to the driver's door of Mr. Grayson's vehicle, it is unlikely you would have ever found yourself anywhere near the front of Mr. Grayson's car, and therefore, never in a position to have to decide whether or not to shoot Mr. Grayson, as you eventually did.

Interestingly, I take note of the fact that nowhere in Mr. [REDACTED] 32-page review did he opine as to the wisdom of that initial decision to close with a suspect who was, by your own admission, likely arming himself with a weapon. Instead, he chose to suggest your decision to advance on Grayson's vehicle was merely to "investigate further" and to "avoid a foot chase," completely ignoring the testimony you yourself provided first to the Novato Police Department and then to Sgt.'s [REDACTED] and [REDACTED] during this internal inquiry.

I also note Mr. [REDACTED] spent a great deal of time explaining the findings of the Force Science Research Center's Tempe Study, which described the time it takes an average officer to stop shooting once (s)he begins to detect a change in a suspect's threatening behavior. Mr. [REDACTED] opined this was the reason you continued to fire your pistol at Grayson even after he'd affected his escape and was driving away from you.

Again, Mr. [REDACTED] analysis fails to take into account key and quite specific statements you provided during this inquiry, namely that you felt Mr. Grayson

was in a position to back-up and run you over, or that he could have turned his car around and tried to run you over as well.

When confronted with that inconsistency during our August 18th meeting, Ms. [REDACTED] said those statements had to be understood in the context of the emotional state you found yourself in when they were collected mere hours after you'd been involved in a traumatic shooting. She inferred those statements could not negate the findings of the Tempe Study Mr. [REDACTED] so fully described.

However, I later confirmed that not only did you provide those statements to the Novato Police Department 23 hours after the shooting took place, you also provided the exact same reasoning for continuing to shoot at Mr. Grayson almost 6-months to the day later when you were being interviewed by Sgt.'s [REDACTED] and [REDACTED] for this investigation.

In fact, not only did you reaffirm for Sgt.'s [REDACTED] and [REDACTED] those two specific reasons for deciding to continue firing your pistol at Mr. Grayson, you went on to add a third reason as well, that being that you continued to shoot at Mr. Grayson "to assist in his capture."

Thus, Mr. [REDACTED] assertions aside, it is reasonable for me to believe you made a deliberate decision to continue firing your pistol at Mr. Grayson for the reasons you twice stated over a 6-month period and that that action was not the result of the psycho-physiological effects described in the Force Science Research Center's Tempe Study.

The kind of poor judgment you displayed in deciding to advance on Mr. Grayson's vehicle, resulting in your standing near the front of a car being driven by a suspect you not only knew to have a history of resisting arrest and fleeing police contacts in a motor vehicle, but who had already attempted to flee this particular stop on foot, is yet another in a troubling series of poor decisions you have made over the past four years, several of which have already resulted in imposed discipline, including three prior instances of suspension. This one, unfortunately, resulted in your having shot another human being, causing significant, and likely long lasting injury to him.

Unfortunately, it's clear to me all prior attempts to modify your behavior have been unsuccessful, and therefore I believe imposition of the discipline recommended by Undersheriff [REDACTED] is appropriate, as you did violate the following:

I. **MARIN COUNTY PERSONNEL MANAGEMENT REGULATIONS**

PMR No. 20.1.A: Each officer, official, and employee has an obligation to the citizens, to the people's elected representatives, and to fellow employees to meet the highest ethical and professional standards and

to enhance the public's respect and trust for County government and its operations.

PMR No.20.1.B: Employees of the County of Marin have responsibilities unique from their counterparts in private industry. Employment with the County carries an obligation of personal integrity and conduct that serves to establish public respect, confidence, and trust.

PMR No. 20.1.D.2: The County, as a condition of employment, expects to receive from the employee cooperative, positive, responsive, and courteous relations with fellow employees, supervisors, and the public.

PMR No. 20.1.D.4: The County, as a condition of employment, expects to receive from the employee: compliance with all policies, regulations, rules of conduct and ordinances established by the County.

PMR No. 20.1.D.5.A: Responsible work habits demonstrated by dependability, promptness, reliable attendance and performing required duties competently.

SHERIFF'S OFFICE RULES, REGULATIONS, POLICIES, AND PROCEDURES

104.09: Deputy Sheriffs shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

106.03: Deputy Sheriffs shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

General Order 04-03: Firearms will only be discharged under the following circumstances:

- At an approved range or under the direction of the Rangemaster or his/her designee.
- When killing seriously injured or dangerous animals where other disposition is impractical.
- When necessary in the defense of the deputy's life, or to prevent serious injury to his/her person.
- When necessary in the defense of another person's life, or to prevent serious injury to that person.
- When necessary to affect the capture of a fleeing felony suspect, when, and only when, the felony is of the violent variety, i.e., a forcible and atrocious one which threatens death or serious bodily harm.

Firearms shall not be discharged under the following circumstances:

- As a warning

- To effect the capture of a misdemeanor suspect.
- From or at a moving vehicle, except when necessary in the defense of the deputy's life, or the life of another person.
- When the deputy has reason to believe, based upon attendant circumstances that the discharge may endanger the lives of passers-by or other persons not involved in the crime, and the deputy's life, or another person's life is not in imminent danger.

General Order 04-06: It is the policy of the Marin County Sheriff's Office that deputies shall use only that force which is reasonable, given the facts and circumstances known at the time of an event, to effectively bring an incident under control.

While various levels of force exist, each deputy is expected to respond with only that level of force, which reasonably appears appropriate under the circumstances at the time to successfully accomplish a legitimate law enforcement purpose in accordance with this policy.

II. FACTUAL BASIS FOR DISCIPLINE

Investigation 2013-10 revealed the following facts that are the basis of my decision to discipline:

On Sunday, July 7th, 2013, you were assigned to a patrol position and stationed out of the Southern Marin Patrol District. At approximately 1748 hrs., your attention was drawn to a vehicle that was driving towards you, but suddenly made a turning movement to the right, before abruptly parking along the curb in the area of 10 Terners Drive, Marin City.

As you approached the area where the vehicle had parked, you noted the sole occupant of the car was Chaka Ali Grayson. You had prior knowledge Grayson was on parole from the California Department of Corrections and Rehabilitation and that his driving privilege was suspended. You also noted Grayson had moved from the driver's seat to the front passenger's seat, perhaps in an effort to appear as if he had not been driving the car.

You made the decision to detain Grayson for driving on a suspended driver's license and attempted to execute a U-turn so as to position your patrol car behind Grayson's parked vehicle. Because of the width of the roadway, you were only able to affect one leg of that U-turn before you noticed Grayson had opened the passenger door, placed one foot on the ground, and looked to be getting ready to flee. At the time, you had your emergency light bar activated, but not your siren.

With the nose of your patrol car pointed towards the curb at a 45 degree angle, you exited your vehicle and ordered Grayson to stay in his car and shut the door. In response, you saw Grayson close his passenger door and lay

down across the front seat, removing him from your view. Believing he might have been reaching for an unseen weapon, you drew your service pistol and began to walk towards the driver's door of Grayson's car.

While you were approaching Grayson's car, you gave repeated verbal commands for Grayson to show you his hands, but to no avail. At one point, you saw Grayson reach up from his prone position on the front seat to start the car's engine. You saw him begin to sit up in the seat, at which time you ordered him to stop and show you his hands.

Your reaction to Grayson having ignored your orders to stop, show you his hands, and to starting the car's engine was to continue giving verbal commands and to continue moving towards the front of Grayson's now running vehicle. You said you positioned yourself just forward of the driver's door when Grayson suddenly tried to pull away from the curb.

In so doing, Grayson's vehicle struck the rear bumper of a car that was parked in front of it, causing Grayson to put his car in reverse, turn the steering wheel to the right, and accelerate backwards in order to try and eventually clear that parked car and affect his escape.

Because of your position standing just forward of Grayson's driver's door, his backing and turning movement caused the left front fender of his car to swing toward you, and when his vehicle came to a stop, you were now positioned farther forward of the driver's door than you had been before. You looked Grayson in the eye and ordered loudly for him not to move.

Grayson ignored that order, turned the steering wheel to the left, and accelerated rapidly away from the curb. You said you feared if you did not stop Grayson, his car would have struck you, so you chose to fire your duty pistol at Grayson and his vehicle, which you did sixteen times.

Grayson was able to affect his escape, accelerating rapidly down Terners Drive. At the intersection of Terners Drive and Donahue Street, Grayson made a right hand turn, but in the process struck the concrete median running down the center of Donahue Street with his left front tire.

You followed Grayson's path of travel on foot so you could advise responding deputies where he'd last been seen. Ultimately, Grayson's car was located in the 200 Lot of Drake Ave., although it had been abandoned by the time of that discovery.

You returned to the scene of the shooting and were later struck in the face by a heavy rock thrown by someone hiding in the large and angry crowd that had formed immediately after your shots had been fired. Grayson was eventually captured by other deputies and was found to be suffering from multiple gunshot wounds to his upper left arm.

Grayson's vehicle was found to have twelve (12) distinct bullet impact sites, although it is possible more than 12 bullets hit the car as both the left side front and rear passenger windows were shot out as well.

The Novato Police Department conducted a criminal investigation focusing on both Grayson's actions in fleeing the scene of your detention and the assault you suffered when you were struck in the face by the rock thrown from within the gathered crowd of onlookers.

As part of that investigation, the Novato Police Department retained the services of Mr. [REDACTED] of BVB & Associates to review your decision to use deadly force to affect the arrest of Chaka Ali Grayson. In answering the question, "Was the level of force used by Deputy Kubota in his attempt to arrest Chaka Grayson reasonable," [REDACTED] answered, "yes," although I note the scope of Novato's investigation was limited to determining potential criminal culpability, not matters of policy or procedure.

The Novato Police Department's criminal investigation was subsequently submitted for review to the Marin County District Attorney's Office, who later cleared you of criminal misconduct in your decision to discharge your firearm at Grayson and his vehicle while attempting to affect his arrest.

That same review by the District Attorney's Office also resulted in a four-count misdemeanor complaint being filed against Grayson. In that filing, the District Attorney's Office alleged Grayson:

- Failed to comply with the lawful order of a peace officer, a violation of Vehicle Code Section 2800(a),
- Resisted , delayed or obstructed a peace officer, a violation of Penal Code Section 148(a)(1),
- Drove with privileges suspended or revoked for drunk driving with a prior conviction, a violation of Vehicle Code Section 14601.2(a), and
- Drove with privileges suspended or revoked for refusing chemical test or driving with excessive blood alcohol, a violation of Vehicle Code Section 14601.5(a).

The District Attorney's Office declined to file a charge of assault with a deadly weapon against Grayson, that weapon being his car, stating there was insufficient evidence to prove that allegation beyond a reasonable doubt.

What followed were weeks of community discord in Marin City, highlighted by a large public protest calling for an end to racism in the Sheriff's Office, with protestors carrying signs that read, "Driving While Black/Brown Is Not A Crime" and others that called for the removal of Sheriff Doyle from Office.

In addition, reaction to your decision to use deadly force to affect Grayson's arrest has also led to a renewed effort to compel the formation of a Sheriff's Office Citizen's Oversight Committee, whose members would have the authority to conduct independent reviews of Sheriff's Office activities, including the power to compel testimony by Sheriff's Office employees, and to render final judgment as to the appropriateness of those actions.

III. ANALYSIS

Based on the facts contained in Section II, above, and in consideration of the information gleaned from your interview with Sergeants [REDACTED] and [REDACTED], the witness interviews conducted by Sergeant [REDACTED], and a review of all the relevant documents and recordings that were collected, I find the following:

Your conduct during the initial stop of Grayson's vehicle was negligent:

On Sunday, July 7th, 2013, you attempted to make what has been clearly established to be a lawful detention of Chaka Ali Grayson for driving on a suspended license, a misdemeanor violation of Vehicle Code Section 14601.1(a). At the time of that detention, you were already aware Grayson was on parole from the California Department of Corrections and Rehabilitation, had a suspended driver's license, and a long and extensive criminal history involving both violent and non-violent offenses.

In the process of that detention, Grayson appeared to be readying himself to flee your traffic stop on foot, having opened the passenger door of his vehicle and having placed one foot on the ground. Those obvious signs of potential flight caused you to have to leave your patrol vehicle parked at an awkward 45 degree angle to the curb some 15-20 feet away from the rear of Grayson's car so you could give him verbal commands to stay in his vehicle.

Those initial verbal commands were successful, in that Grayson pulled his leg back into the car and shut the door. He then quickly lay down across the front seat, disappearing from your view. Fearing Grayson might be reaching for an unseen weapon, you drew your service pistol, gave him verbal commands to show you his hands, and began to approach his vehicle from the left rear.

You told Sgt. [REDACTED] "So at this point, I had no visibility on him and so I approached on the driver's side of his vehicle with my weapon drawn." You said, "My initial concern was he was going back for a weapon." In fact, you told Sgt. [REDACTED] you couldn't think of any other reason Grayson would have hidden like he did.

I find your decision to approach Grayson's vehicle rather than to seek a position of cover and concealment from which you could summon additional assistance from a position of relative safety was flawed in the extreme. This

is because of your prior knowledge of Grayson's violent criminal history, the observations you made at the onset of the traffic stop, and your belief that Grayson must have been attempting to retrieve a weapon,

Throughout the Basic Law Enforcement Academy, there is focused attention paid to the principles of officer safety, including teaching the need to consistently re-evaluate the situation an officer is facing to ensure prudent courses of action are taken that reduce the risk of injury to the officer and/or the subject being contacted.

In fact, the California Commission on Peace Officer Standards and Training Regular Basic Course Learning Domain 22 is wholly devoted to such tactical decision making, including the requirement that an officer demonstrate the ability to understand when a high risk traffic stop is appropriate, and to show an ability to safely carry such a stop out.

That focus on demonstrating the ability to safely conduct high risk traffic stops is shared by the Marin County Sheriff's Office's Field Training Program as well.

In fact, Field Training Program Instructional Guide #32 illustrates step by step instructions for carrying out a high risk, or "felony" vehicle traffic stop. Nowhere in that guide is it recommended that a deputy approach the stopped car on foot before ensuring all of the vehicles occupants have been ordered out and restrained in handcuffs.

While your initial attempt to detain Grayson for driving on a suspended license did not rise to the level of requiring a high risk traffic stop, it most certainly did once you decided the only reason Grayson could have hidden himself like he did was to retrieve a weapon.

Given your admitted knowledge of Grayson's prior violent criminal past, failing to recognize the need to alter your approach to the stop the moment you'd concluded Grayson was attempting to retrieve a weapon was nothing less than negligent. In fact, had you done so, none of the justification you later described for using lethal force would have ever presented itself.

You failed to approach Grayson's vehicle in a safe and responsible manner:

You told Sgt. [REDACTED] as you approached Grayson's car on foot, you continued to issue verbal orders for him to show his hands. You said you could see Grayson laying across the front seat and reaching up to start the car's engine as you made that approach. You said you eventually walked to a position that placed you "past the driver's door" to where "the front door meets the front fender" and approximately three feet away from the side of the car.

You said Grayson clearly saw you and clearly saw you had your service pistol drawn, but he still put the vehicle into drive. You said it was clear to you he had the intention to use his car to flee the stop.

At this point in the decision making process, you once again had an opportunity to reassess the situation you faced, knowing now, as you testified to Sgt. [REDACTED] that Grayson clearly intended to flee your lawful detention, this time using his car to drive away rather than to escape on foot, as you'd presumed when you had to prematurely leave your vehicle to tell him to stop. Despite having made that observation, you again failed to react appropriately, deciding instead to place yourself at a position just "past the driver's door" rather than taking a more reasonable course of action, such as retreating to the rear of the vehicle where the likelihood of you being struck by Grayson as he pulled away from the curb would have been greatly diminished.

You said you observed Grayson rapidly accelerate his car forward, turning the wheels to the left so that he could pull away from the curb. You said that movement caused you to "step backwards (sic) from the vehicle," telling Sgt. [REDACTED] taking that step back allowed you to avoid being hit by "the side of the vehicle" as it moved to the left.

While your decision to step back from the vehicle may have been far too long in coming, that choice finally made, by your own admission, allowed you to avoid being hit by Grayson's moving vehicle, and was clearly the proper one to make.

You told Sgt. [REDACTED] Grayson was unable to complete his left hand turn from the curb, having his attempt to flee thwarted when the right front bumper of his vehicle struck the left rear bumper of the vehicle that was parked in front of him. You said had Grayson not struck that vehicle, he would have been able to pull away from the curb without hitting you and escape down Terners Drive.

Because Grayson could no longer drive forward, he placed his car in reverse and began to back up. In so doing, he turned the steering wheel to the right, which caused the front of his car to swing out and to the left, towards you, as he drove in reverse. You told Sgt. [REDACTED] when Grayson next put the car in drive and made another attempt to flee your detention, you "had to step out of the way to avoid being hit." You added, "There was no question he was gonna (sic) hit me with the vehicle had I not moved."

Further, you told Sgt. [REDACTED] "Ah, there was not a... there was no other way about it. He couldn't of (sic) avoided me, he couldn't of (sic) stopped the vehicle. So I, I stepped out of the way." You said as Grayson was pulling away from the curb for the second time, "I barely had enough time to get out of the way from being hit."

Your decision to use lethal force was outside policy and unreasonable:

It was at this point, as Grayson was driving away from the curb, that you engaged him with gunfire. You told Sgt. [REDACTED] "I stepped out of the way as best I could and began firing at him." You said you chose to fire your weapon at him because "he clearly tried to assault" you. You told [REDACTED] you felt "the threat was still very present," and that it was clear to you that Grayson had in fact attempted to run you over in order to avoid being arrested.

However, replete throughout your retelling of the events that led you to decide to use lethal force against Grayson, you recount your ability to successfully step back to avoid being struck by Grayson's car, not once, but twice. You said had you not stepped out of the way, he surely would have hit you, yet both times your simple decision to get out of the way of the moving car did exactly what you'd intended it to do, which was to prevent you from being hit.

Therefore, despite your belief that Grayson had intentionally tried to assault you, it was unnecessary to use lethal force to stop the assault because the assault could not have been completed subsequent to your reasonable, appropriate, and timely decisions to get out of the way of the moving vehicle.

When specifically asked at what point you started firing your pistol, you told Sgt. [REDACTED] "I stepped out of the way and I began firing," indicating your ability to successfully move out of the path of the moving car before you engaged it with gunfire.

You then said you continued firing, "trying to stop the assault and the future assault," referring to the potential for Grayson to stop and put his car in reverse, or, in the alternative, to turn his car around and drive back up Terners Drive to run you down.

A forensic examination of the car Grayson had been driving showed a total of twelve (12) bullet strikes, presumably beginning in the left front wheel and ending with rounds that struck the trunk or roof of the car.

Beginning at the front of the car, forensic examiners located two (2) bullet strikes in the left front wheel or wheel well, one (1) bullet strike just below the "A" pillar at the leading edge of the driver's door, four (4) bullet strikes in the driver's door, one (1) bullet strike just below the "B" pillar between the left side front and rear doors, one (1) bullet strike in the "D" pillar behind the left rear door, one (1) bullet strike in the trunk, and two (2) bullet strikes in the roof.

In addition to these cataloged bullet strike points, Grayson was himself struck by your bullets three times in the upper left arm.

A trajectory analysis conducted by California Department of Justice and the San Mateo County Sheriff's Office shows you were likely standing alongside the car when the seven (7) bullets you fired struck the front wheel and driver's door. That same analysis showed you were likely near the rear of the car when your one (1) bullet impacted the "B" pillar, and likely at or near the rear of the car as your four (4) bullets struck the "D" pillar, trunk, and roof. You told Sgt. [REDACTED] it was your belief Grayson was purposefully trying to strike you with his vehicle. You said even after Grayson began to drive away, you felt you were in continued danger of being hit, saying Grayson "could have turned around, or put the car in reverse." You told [REDACTED] you continued firing at Grayson both to try and protect yourself from further assault and to "assist in his capture."

You told [REDACTED] you fired at Grayson even though his vehicle had now passed you, saying you thought your last shot was fired when the car was ten to fifteen feet away and "accelerating as fast as he could go."

In this instance, and despite the initial assault you described now having been fully mitigated by Grayson successfully pulling away from the curb and his unimpeded flight down Terners Drive, you told Sergeants [REDACTED] and [REDACTED] you continued firing your pistol at Grayson for two specific reasons; one, he could have stopped his car, put it in reverse, and tried to back up so as to continue his initial assault on you, and two, because he could have turned the car around and attempted to continue the assault by returning to the area he'd just fled.

On its face, neither potential is even remotely reasonable, and therefore your decision to continue firing at Grayson and his car as it drove by you, and then away from you, are unsupported by Sheriff's Office Policy.

Nowhere in policy is a deputy authorized to use lethal force against a suspect because there exists the mere potential of assault. And in fact in this particular case, there actually was no continued threat of assault once Grayson affected his escape.

You described a scene in which Grayson was "accelerating as fast as he could go" when you told Sgt. [REDACTED] about the manner in which Grayson pulled from the curb and drove away from you on Terners Drive. It is therefore wholly unreasonable to believe you were in danger of further assault by Grayson deciding to back up and drive towards you in reverse.

That backing maneuver simply would have taken far too long to execute, given the time necessary for Grayson to bring his rapidly accelerating vehicle to a stop, to place that vehicle in reverse, and to then begin backing that vehicle up in order to assault you.

Any reasonable deputy confronted by the same set of very specific circumstances would realize what was about to happen and still have ample opportunity and time to leave the roadway and seek a position of safety. That fact alone makes your decision to continue firing at Grayson to avoid the potential of being hit by his car driving at you in reverse unnecessary and unreasonable.

In addition, no less than five (5) independent witnesses describe how you followed the path of travel of Grayson's car after it fled the stop. Each placed you in the middle of road while you chased after the car on foot. That is simply not consistent with the actions of a reasonable deputy who is in such fear the suspect might suddenly put his car in reverse and try to run him over that he must continue firing his pistol at the suspect's car.

Even if one were to argue the overall credibility of some of those witnesses, it seems to me highly unlikely that each would describe the same thing when it came to placing you in the middle of the roadway as you followed Grayson's car, if for no other reason than at the time they gave those statements, none could have known that where you stood after the shooting would have any bearing on determining fault.

Further, your belief that Grayson could have potentially affected a U-turn so that he could continue his assault is also unreasonable in that that scenario required two very unlikely events to occur in parallel.

First, Grayson would have been required to return to the scene of your initial stop, something he had just gone to extreme measures to avoid. Secondly, Grayson would have been required to successfully execute a driving maneuver you yourself had just proved was not possible.

In fact, just moments before, during your initial attempt to affect a traffic stop on Grayson for driving on a suspended license, you tried to execute that very same U-turn on that very same street. Yet when you tried that maneuver, you found the street too narrow to complete the turn, resulting in your car being nosed into the curb rather than placed cleanly behind Grayson's stopped vehicle as you'd hoped it to be.

Therefore, in the unlikely event Grayson would have attempted to turn his car around and return to the scene of a stop he'd so recklessly attempted to escape mere seconds before, you again would have had more than enough time to understand the circumstances that were confronting you and to affect your escape to a position of safety where Grayson's car could have not have struck you.

As to the assertions made to Sergeants [REDACTED] and [REDACTED] during your interview for this Special Investigation that you also decided to continue firing at Grayson to "assist in his capture," I note this is the first time you said you

fired at Grayson for any reason other than his attempt to assault you with his car. In fact, at no time in your interview with the Novato Police Department detectives during their criminal investigation did you make such a statement.

However, and regardless of any inconsistency in the testimony you provided during the initial criminal investigation and the follow-on internal inquiry, the fact remains that authorization to use deadly force to affect the capture of a fleeing suspect is strictly controlled by both Marin County Sheriff's Office policy and the law. Sheriff's Office policy in fact dictates lethal force may be used to affect an arrest only when "necessary to affect the capture of a fleeing felony suspect, when, and only when, the felony is of the violent variety, i.e., a forcible and atrocious one which threatens death or serious bodily harm."

In this particular case, you told Sgt. [REDACTED] you were sure Grayson had intended to assault you with his car, making him a fleeing felony suspect. Although the District Attorney disagreed with your assessment and declined to file criminal charges against Mr. Grayson for any assault whatsoever, irrespective of those facts, Grayson's successful escape did not threaten death or serious bodily harm to you, or to anyone else.

Even if one were to believe Mr. Grayson's motivation in leaving the scene of the stop was not merely one of attempting to escape a pending arrest, but rather an attempt to assault you with his car, once the opportunity to commit that assault had concluded, i.e. Grayson was "accelerating as fast as he could go" away from the scene of the assault, no other persons were in danger of being assaulted by Grayson or his car.

While true Grayson likely drove recklessly in his attempt to complete his escape, that reckless driving was incidental to his escape and not an indication that he was attempting to assault anyone else he encountered on the roadway.

Grayson's identity was known to you, you knew Grayson was a resident of Marin City and was often seen in the community, and you knew the kind of car Grayson drove. Therefore, there was no reasonable explanation for shooting at Grayson to "assist in his capture," making that decision outside of policy and wholly unreasonable.

Your negligence and failure to follow policy and procedure brought discredit to the Sheriff's Office and the County:

As earlier noted, the public's reaction to your decision to use lethal force against Grayson during his attempts to escape your detention led to a number of negative news stories in the local media, public demonstrations, calls for my removal from Office, the formation of a Citizen's Oversight

Committee, and claims of racism and discrimination on the part of the Sheriff's Office as a whole.

Your actions brought discredit to the Sheriff's Office, to your peers and co-workers who are now subject to a heightened degree of public scrutiny, and to the law enforcement profession as a whole.

Use of lethal force against an unarmed individual is reserved for the most dangerous and life-threatening of situations, yet in this case, you chose to employ that extreme level of force against someone whose alleged assault was in fact successfully avoided merely by your having stepped out of the way of his moving vehicle.

In preparation for determining the reasonableness of your response to Grayson's attempt to flee your detention on July 7th, 2013, the County of Marin retained the services of retired Los Angeles County Sheriff's Department Lieutenant [REDACTED], a noted expert in the use of force by law enforcement officers.

Mr. [REDACTED] is a certified litigation specialist, and in addition to being a noted author and public speaker, he has testified as an expert witness in United States District Court, and in California and Nevada state courts as well. Mr. [REDACTED] has been accepted as a police practices expert by the Los Angeles County Superior Court Committee of Superior Court Judges, is a member of the Federal Court Defenders Office's police experts database, and his expert testimony was cited in the May 2012 published opinion of the Court of Appeal of the State of California, Second District, Division Eight, in Alma Mendoza v. City of West Covina, et al.

Mr. [REDACTED] reviewed the following:

- The entirety of the Novato Police Department's criminal investigation previously submitted to the Marin County District Attorney's Office,
- The opinion of Mr. [REDACTED] the use of force expert retained by the Novato Police Department, and
- This Special Investigation, upon which my proposed discipline is based.

After an exhaustive review of those documents, Mr. [REDACTED] produced a twenty three (23) page report detailing the events of July 7th, 2013. Mr. Lichten began by stating he believed your initial stop of Grayson was proper and that Grayson was lawfully detained at the time he attempted to flee your stop.

However, Mr. [REDACTED] also opined your response to Grayson's attempted flight was unreasonable and your decision to use lethal force against Grayson was improper and was not in compliance with either Marin County Sheriff's

Office policy or the accepted standards of conduct for law enforcement officers in the State of California.

Thus, my analysis of the facts gathered during this investigation into your alleged misconduct and of all the supporting documentation gathered to date leads me to conclude your conduct on July 7th, 2013 violated the County of Marin's PMRs and the Sheriff's Office rules and regulations outlined in Section III (A), above.

IV. DECIDING AN APPROPRIATE LEVEL OF DISCIPLINE

In determining the appropriate level of discipline for the sustained violations of policy that occurred on July 7th, 2013, as well as the assertions made by your attorney in her response to the Undersheriff's recommended discipline, I have also considered the numerous prior warnings given to you concerning your previous failures to follow policy. Those prior warnings are described below:

1.

[REDACTED]

2.

[REDACTED]

3.

[REDACTED]

4. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

5. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

While I do take note of the fact that the [REDACTED], [REDACTED], misconduct occurred after, not before the event described in this Special Investigation, I also find the number of prior acts of misconduct you were responsible for preceding this shooting event, the relatively short period of time in which those acts of misconduct occurred, and the failure of all previous attempts to modify your behavior through a clearly establishing record of progressive discipline would have led me to terminate your employment, irrespective of the outcome of the [REDACTED], [REDACTED], misconduct investigation.

I have enclosed the previously mentioned Notice of Intent to Discipline letter dated June 18th, 2014, and I note you previously received a packet of information to support that letter, which was personally delivered to you. That packet included transcripts of investigative interviews and copies of tapes.

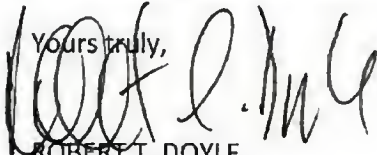
Your termination becomes effective upon receipt of this letter. You are to make immediate arrangements to surrender any and all department issued equipment to Lt. [REDACTED] or his designee, and to retrieve any personally owned possessions still located on or within Sheriff's Office property.

Any compensation still owed to you by the County of Marin, including any accrued vacation or compensatory time off, will be processed and mailed to your home address at the close of the next regular payroll period.

Please note that the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) provides for the temporary continuation of group health coverage that otherwise might be terminated. To avail yourself of that continued coverage, please contact Deputy Human Resources Director [REDACTED]

as soon as practical, but in no event later than sixty (60) days after receipt of this notice. He can be reached at (415) [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read "Robert T. Doyle", written over the typed name.

ROBERT T. DOYLE
SHERIFF-CORONER



MARIN COUNTY SHERIFF'S OFFICE

1600 Los Gatos Drive, Suite 200, San Rafael, CA 94903

ROBERT T. DOYLE

Sheriff - Coroner

MICHAEL J. RIDGWAY

Undersheriff

April 7th, 2015



SENT VIA FACSIMILI: [REDACTED]

Reference: Kubota Termination Appeal

Dear Ms. [REDACTED]

In keeping with the Personnel Commission's decision of Friday April 3, 2015, I wish to inform you the Sheriff's Office has three current openings in the following classifications: Legal Process Specialist, Office Assistant III, and Technology Systems Specialist II.

In order to determine which job(s) we will offer Mr. Kubota, we must first assess whether he meets the minimum qualifications for each classification. As such, I have attached the class descriptions for your review.

The Personnel Commission directed that the County bring Mr. Kubota back into a County position beginning the second pay period in April. That pay period begins April 12, 2015. Therefore, in order to comply with the Commission's ruling, please review the attached class descriptions and submit a statement to me describing if and how Mr. Kubota meets the minimum qualifications for the three classifications listed above.

This submission must be made no later than noon on Friday, April 10, 2015. Upon receipt of your submission, I will ask the County's Human Resources Department to determine if Mr. Kubota meets the minimum qualifications and then I will offer him the position(s) he is qualified for.

If you are unable to respond by noon on Friday, April 10, 2015, the next available employment start date, which must coincide to the beginning of a

AREA CODE 415

24-HOUR NUMBER

479-2311

FAX

473-4126

ADMINISTRATION

473-7250

CIVIL

473-7282

COMMUNICATION

SERVICES

473-7243

CORONER

473-6043

COURTS

473-7393

EMERGENCY

SERVICES

473-6584

INVESTIGATIONS

473-7265

JAIL

473-6655

MAJOR CRIMES

TASK FORCE

884-4878

PATROL

473-7233

RECORDS

473-7284

WARRANTS

473-7297

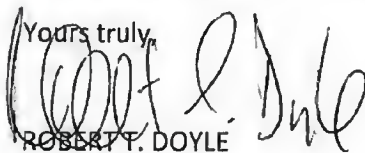
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pay period, will be April 27, 2015. Also, note that since these positions are currently open and need to be filled, failure to identify how Mr. Kubota meets the minimum qualifications by the above timeline may result in the forfeiture of one (or more than one) of these positions, as recruitments are currently being conducted for these classifications.

If you have any other questions, please feel free to contact me by telephoning (415) [REDACTED] or by e-mailing [REDACTED]

Yours truly,


ROBERT T. DOYLE
SHERIFF-CORONER

cc: Special Investigation 2013-10
[REDACTED] Marin County Counsel's Office

Search Job Classifications

Technology Systems Specialist II

Bargaining Unit: MAPE COMM&TECH

Bi-Weekly Hours: 75.0

Salary

	Step 1	Step 2	Step 3	Step 4	Step 5
Hourly Rate:	\$36.74	\$38.57	\$40.37	\$42.17	\$43.99
Bi-Weekly Salary:	\$2,756	\$2,893	\$3,028	\$3,163	\$3,299
Monthly Salary:	\$5,970	\$6,268	\$6,560	\$6,853	\$7,148
Annual Salary:	\$71,643	\$75,212	\$78,722	\$82,232	\$85,781

Class Specification

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Class specifications are not intended to reflect all duties performed within a job.

Definition

Under general supervision of a higher level technology systems classification, to provide training and support to end-users on general application software as well as specific departmental systems and equipment; to provide professional level support including the development, support and maintenance of assigned hardware and software systems, support of agency/departmental networks, and related equipment; to assist in the configuration, installation, and maintenance of data/information systems; to assist in the development of technical initiatives of moderate scale for departmental applications; and to perform related work as assigned.

Class Characteristics

Incumbents of this class are allocated to a county department with multiple and complex information systems and provide technical support to departmental staff on department-specific application programs and related hardware and protocols. This class also acts as liaison with the Department of Information Systems and Technology and provides recommendations to management on department technological needs. This class differs from centralized IST classes in that the primary focus is optimizing efficient usage of departmental technologies, while the IST classes focus on support of the County-wide infrastructure and systems through which departmental technologies are delivered.

Technology Systems Specialist I

This is the entry and training level of the series. Incumbents work under close supervision and are given direct and detailed supervision with frequent reviews of work. As incumbents gain the necessary skills and knowledge, work is assigned with some independence. This class is alternately staffed with Technology Systems Specialists II, and incumbents may advance to the higher level after gaining experience, demonstrating proficiency and consistently performing work, which meets the qualifications and scope of the higher-level class.

Technology Systems Specialist II

This is the journey level of the series, working under general supervision. This class differs from the Technology Systems Specialist I by its level of increased responsibility and degree of technical skill. This class is further distinguished from the Technology Systems Specialist III by the latter's larger scope of responsibility for independently planning and administering department information systems that are not supported or are minimally supported by IST or for functioning as a sole practitioner with a high level of independence.

Examples of Duties (Illustrative Only)

Note: The following duties are performed by employees in this classification; however, employees may perform related duties at an equivalent level. Each individual in the classification does not necessarily perform all duties listed.

- Installs, configures, upgrades, troubleshoots, repairs and maintains desktop computers, network hardware and peripherals.
- Installs, configures and maintains new and/or upgraded desktop operating systems, applications and software including applications unique to the department.
- Answers, evaluates and troubleshoots inquiries and problems for end users on hardware, software and county-wide and department specific systems.
- Determines proper installation parameters for software and hardware for smooth integration, transition and efficiency.
- Works closely with contract vendors in the maintenance of departmental computer systems, networks and user stations.
- Confers with and acts as liaison with IST to define needs, coordinate system integration and define required output and user documentation.
- Provides training to department staff in the use of automated systems including conducting one-on-one training and developing training/instructional manuals.
- Performs remote and/or on-site diagnostics and troubleshooting using diagnostic software and basic test equipment.
- Analyzes software conflicts, hardware problems and operation and integration of desktop workstations within the County network and Internet environment.
- Monitors domain network and server operations; checks for error and warning messages and takes corrective actions; performs backups; and creates and maintains shared resources.
- Performs basic network administration duties, such as adding network users and assigning identification, security and access levels; and creating, modifying and deleting network accounts, Internet, e-mail and other accounts.
- Provides information to department users regarding system status, scheduled downtime and other system activities that may affect departmental operations.

- Assists department users in evaluating technical options and identifying potential technology applications; designs systems and lay outs for installation.
- Collaborates with others to analyze the effectiveness of systems and to make recommendations for systems and procedural improvements; stays abreast of new automated systems procedures and prepares on-line bulletins to inform users of changes or additions.
- Assists in researching, analyzing, evaluating and recommending new hardware and software products for use by department.
- May assist in developing projected costs for specialized departmental systems.
- Creates and maintains programs for database application, file extraction, form production and related departmental tasks and provides support for modification and maintenance of specialized departmental databases.
- May attend meetings and represent the department with other County departments and external agencies for information sharing, system improvements and implementation of changes.
- May plan or assist in planning the conversion from manual systems to automated information systems.
- May develop and maintains departmental websites.
- May provide multimedia development services for projects, products and applications.
- Prepares and maintains a variety of logs, records, documentation and reports.

Minimum Qualifications

Technology Systems Specialist I

Any two-year combination of recent professional experience and relevant computer science coursework that demonstrates the necessary knowledge and abilities. A typical way of achieving these requirements would be completion of two years of college level or technical training in computer science or a closely related field.

Technology Systems Specialist II

Any four-year combination of recent professional experience and relevant computer science coursework that demonstrates the necessary knowledge and abilities. A typical way of achieving these requirements would be completion of two years of college level or technical training in computer science or a closely related field **and** two years of performing network and/or personal computer user support.

Experience in PC repair, network administration, application and software troubleshooting, computer operations, or a substantially similar field may be substituted for the college requirement on a year for year basis.

Special Sub-class Recruitments

Recruitments for positions in this class may be conducted according to the program or department in which a vacancy exists and the special certificates, licenses and/or experience requirements of the position.

Recruitment for these positions may be conducted to include bilingual ability according to the needs of the department.

Knowledge Of

- Techniques, equipment and diagnostic software used in the assembly, troubleshooting and repair of personal computers.
- Standard desktop software.
- Network and desktop operating systems.
- Desktop software integration.
- Internet protocols and services such as WWW, FTP, NNTP, DNS, SMTP or others.
- Programming languages for the personal computer such as Access, Visual Basic or others.
- Techniques for explaining technical concepts to non-technical users.

Ability To

- Assemble, install, configure, repair and maintain computer hardware, peripherals and components.
- Diagnose and resolve software application problems for desktops and networks and interface systems.
- Install, configure, modify and maintain applicable operating systems, applications, networks, and specialized software.
- Provide training, assist users in problem resolution and explain system and application use.
- Analyze plans, processes or programs and provide verification and reconciliation of specialized departmental systems, computer programs or system processes.
- Maintain current technical knowledge of the field including learning new and existing software, applications, databases and hardware through formal, informal and on-the-job training and self study.
- Organize own work, setting priorities and meeting critical deadlines.
- Establish and maintain effective working relationships with those contacted in the course of the work.

Special Requirements

Incumbents are required to successfully pass background investigations and/or additional examinations for assignments in the Child Support Services, District Attorney's and Sheriff's Departments.

The physical demands and working conditions described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

Physical Demands

While performing the duties of this job, the employee is frequently required to sit, stand and walk, and to talk and hear when conversing in person and over the telephone and addressing groups. The employee is frequently required to use hands to operate keyboards and precision tools and equipment. Specific vision abilities include close vision and the ability to adjust focus for reading written materials and computer screens. Ability to lift, carry and handle computers and peripheral equipment weighing up to 50 pounds. Also requires sense of smell to detect overheated components.

Working Conditions

Work is generally performed indoors in a typical office setting.

ADA Compliance

The County will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

Classification History

Class Code: 0279

Date Established: 3/11/2008 12:00:00 AM

Revised: 0726 (i)& 0279 (II)

Revised: 7/09

Search Job Classifications

Office Assistant III

Bargaining Unit: MAPE GENERAL

Bi-Weekly Hours: 75.0

Salary

	Step 1	Step 2	Step 3	Step 4	Step 5
Hourly Rate:	\$22.05	\$23.00	\$23.99	\$25.05	\$26.11
Bi-Weekly Salary:	\$1,654	\$1,725	\$1,799	\$1,879	\$1,958
Monthly Salary:	\$3,583	\$3,738	\$3,898	\$4,071	\$4,243
Annual Salary:	\$42,998	\$44,850	\$46,781	\$48,848	\$50,915

Class Specification

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Class specifications are not intended to reflect all duties performed within a job.

Definition

Under specified level of supervision, to provide a variety of routine to difficult office support duties to County departments; and to perform other duties as assigned.

Class Characteristics

Office Assistant I

This is the entry level class in the series. Initially under close supervision, incumbents perform a limited range of routine and standardized office tasks that follow specified policies and procedures, such as front office reception, answering general questions about department operations, and performing basic word processing, data entry, and spreadsheet functions. Instructions and guidelines are specific, but supervision becomes more general as incumbents gain experience. This class is alternately staffed with Legal Process Assistant II and incumbents may advance to the higher level after gaining experience and demonstrating proficiency, which meets the qualifications of the higher-level class.

Office Assistant II

This is the journey level in the series. Under general supervision, incumbents are fully competent to independently perform a variety of office support duties, make day-to-day work decisions, and solve most problems under clear guidelines. Incumbents work in different information systems, process department forms, and answer questions requiring sound knowledge of department and program operations, policies

and procedures. Assignments are performed within established policy and procedural guidelines, with difficult problems or sensitive issues referred to a lead worker or supervisor.

Office Assistant III

This is the advanced journey level within the series. Under general direction, incumbents perform complex or technical processing or program support functions within an identifiable and prescribed framework. Responsibilities may include conducting transactions with the public and other employees requiring interpretation of laws, rules, policies and procedures and serving as departmental liaison to other agencies. Assignments require exercise of initiative and independent judgment within established policies and procedures to resolve a variety of routine to complex problems. Some assignments at this level may function as lead workers and provide work direction or coordinate the work of clerical staff.

The Office Assistant series is distinguished from the Administrative Assistant series by the latter's responsibility for relieving management staff of routine and complicated clerical and administrative duties.

Bilingual assignments are distinguished by the required proficiency in the English language as well as a designated second language. Proficiency requires the ability to communicate effectively both verbally and in written form, sufficient to convey information and instructions to the public and other employees.

Confidential assignments are distinguished by frequent work with confidential information including employee relations, budgeting and human resources matters.

Examples of Duties (Illustrative Only)

Note: The following duties are performed by employees in this classification; however, employees may perform related duties at an equivalent level. Each individual in the classification does not necessarily perform all duties listed.

- Provides general office support including opening and distributing mail; receiving visitors and telephone calls, providing information about departmental services and referring visitors and callers to appropriate staff; filing documents; assembling reports, packets and other documents; creating and maintaining control records or logs of departmental activities, supplies and equipment; ordering supplies; contacting maintenance staff and vendors as needed; and scheduling appointments and meeting rooms.
- At increasing responsibility levels, types and edits correspondence, reports, forms and other documents from rough draft, marginal notes or verbal instructions. Prepares basic reports and records, which may require consolidation of materials from several sources.
- Enters, edits and retrieves data and information from a database or computer system. Data is typically gathered from established source documents and entered in a prescribed order and/or format.
- Completes and/or proofreads forms and notices. Checks for completeness, accuracy and compliance with departmental policies and procedures. Ensures that all required documentation is attached.
- Tabulates data; calculates, collects, records and reconciles payments and fees; computes sums; and performs related mathematical calculations.
- Operates a variety of standard office machines.
- May operate equipment to produce copies of records, legal documents and maps for long-term storage and/or for distribution to the public.
- Performs other related duties as required.

Minimum Qualifications

Office Assistant I

Any combination of education and experience that would provide the abilities listed.

Office Assistant II

Typically, **either** the equivalent of one year of office support or customer service experience that demonstrates possession of the knowledge and abilities listed; **or** the completion of a post high school clerical training program from a business school or vocational training center, which would result in possession of the knowledge and abilities, listed.

Office Assistant III

Typically, the equivalent of three years of increasingly responsible clerical experience that demonstrates the knowledge and skills listed below. Formal administrative office support and/or secretarial courses or training may be substituted for up to one year of the required experience.

Special Sub-class Recruitments

Recruitments for positions in this class may be conducted according to the program or department in which a vacancy exists and the special certificates, licenses and/or experience requirements of the position.

Recruitment for these positions may be conducted to include bilingual ability according to the needs of the department.

Knowledge Of

- Standard office practices and procedures including filing and retrieval systems, correspondence formats and the operation of standard office equipment.
- Standard office applications including word processing, spreadsheet and database systems.
- Correct English usage including grammar, spelling and punctuation.
- Business arithmetic.

Ability To

Office Assistant I

- Learn general office practices and procedures.
- Perform routine clerical work.
- Learn policies and procedures related to the department to which assigned.
- Understand and follow written and oral instructions.
- Perform simple mathematic calculations.
- Communicate effectively both verbally and in written form sufficient to convey information and instructions to the public and other employees in situations requiring tact, courtesy and poise.
- Establish and maintain effective working relationships with those contacted in the course of the work.
- Type at an acceptable rate of speed based on the requirements of the position.

Office Assistant II (in addition to above):

- Perform general clerical and technical work quickly and accurately.

- Use database, spreadsheet, word processing, publishing and/or internet applications depending on assignment.
- Read, interpret and apply rules, policies and procedures in specific situations.
- Prepare and maintain accurate and concise records and reports.
- Read and comprehend manuals and instructions related to assignment such as: maps; drawings; policies and procedures; training materials; code books; instructions for equipment; and safety rules and procedures.
- Perform basic mathematic calculations.
- Type at an acceptable rate of speed based on the requirements of the position.

Office Assistant III (in addition to above):

- Perform difficult and/or complex clerical duties including document processing and auditing.
- Use independent judgment and prioritize multiple tasks.
- Learn complex enterprise resource planning software and/or assignment-specific database systems.
- Some assignments may require ability to perform more advanced mathematical calculations such as computing percentages and calculating simple measurements.
- Provide lead direction and training to staff depending on assignment.

The physical demands and working conditions described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

Physical Demands

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is frequently required to use hands to finger, handle, or feel objects, tools, or controls; perform repetitive motions at times and reach with hands and arms. The employee must occasionally lift and/or move up to 25 pounds; some assignments may require ability to lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

Working Conditions

Work is usually performed in a typical office setting with moderate noise. Some assignments may require evening and weekend work.

ADA Compliance

The County will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

Classification History

Class Code: 1341

Date Established: 1/1/1968 12:00:00 AM

Revised: Office Assistant I (1397)

Established: 1/68

Previously Revised: 10/11/77

Previously Revised & Re-titled from Clerk: 5/10

Revised: 3/15

Office Assistant II: 1344 and 1345 (Bilingual)

Established: 1/68

Previously Revised & Re-titled from Intermediate Clerk: 4/7/87

Previously Revised: 2/14/03

Previously Revised & Re-titled from Intermediate Clerk-Typist: 5/10

Revised: 2/15

Class Code: 1530 (Confidential)

Established: 1/68

Revised & Re-titled from Intermediate Clerk: 4/7/87

Previously Revised: 12/15/87; 1/01

Previously Revised & Re-titled from Intermediate Clerk-Typist-Confidential: 5/10

Revised: 3/15

Office Assistant III (1341) and 1342 (Bilingual)

Established: 1/68

Revised & Re-titled from Senior Clerk & Senior Typist: 9/87

Previously Revised: 8/20/96; 2/14/03

Revised & Re-titled from Senior Clerk Typist & Senior Clerk-Typist-Bilingual: 10/09

Class Code: 1529 (Confidential)

Established: 11/3/87

Previously Revised: 8/31/00; 9/3/00

Previously Revised & Re-titled from Senior Clerk-Typist Confidential: 5/10

Revised: 3/15

Search Job Classifications

Legal Process Specialist

Bargaining Unit: MAPE GENERAL

Bi-Weekly Hours: 75.0

Salary

	Step 1	Step 2	Step 3	Step 4	Step 5
Hourly Rate:	\$24.98	\$26.11	\$27.31	\$28.64	\$29.73
Bi-Weekly Salary:	\$1,874	\$1,958	\$2,048	\$2,148	\$2,230
Monthly Salary:	\$4,059	\$4,243	\$4,438	\$4,654	\$4,831
Annual Salary:	\$48,711	\$50,915	\$53,255	\$55,848	\$57,974

Class Specification

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Class specifications are not intended to reflect all duties performed within a job.

Definition

Under general supervision, provides a variety of complex and technical legal office support which is often confidential and may include programmatic responsibility requiring problem solving skills and independent decision-making in dealing with the public, auditing and processing a wide variety of legal documents, data entry, record keeping and report preparation; and performs related work as assigned.

Class Characteristics

This is the technical/specialist level in the series. In addition to performing the full range of work of a Legal Process Assistant, incumbents also provide technical or complex specialty services in one of the following ways: carrying a program through all phases with minimal professional oversight, such as administrative probation or community service or processing adult and juvenile criminal case referrals; performing in one or more highly technical areas requiring a specialized knowledge of the legal system, such as acceptance or service of a wide variety of civil documents; performing all phases of processing subpoenas and warrants, including obtaining and providing information and materials from and to other criminal justice agencies; or serving as the relief position on multiple desks on a permanent basis. Duties of incumbents will vary depending upon the organization of work within the department.

This class is distinguished from the Legal Process Assistant II in that incumbents require a greater depth and breadth of technical knowledge; more extensive use of independent judgment, decision-making and problem solving; and may independently support a departmental program.

It is further distinguished from Legal Process Supervisor in that the latter is the first full supervisory level of this class series.

Examples of Duties (Illustrative Only)

Note: The following duties are performed by employees in this classification; however, employees may perform related duties at an equivalent level. Each individual in the classification does not necessarily perform all duties listed.

- Following established guidelines, independently carries a specific program from beginning to end, such as victim restitution, community service, administrative probation, adult and juvenile criminal case referral processing and Court filing, civil document processing and preparation, warrant and subpoena processing and tracking, judicial research, case calendar and discover material handling, and processing all fugitive and extradition cases.
- Provides competent relief to a variety of legal process assignment areas within an office.
- Reads, interprets and processes a wide variety of complex legal documents such as court orders, arrest and incident reports, citations, probation reports, judgments, criminal records, petitions, calendars, proofs of service, motions, garnishments, and arrest warrants; identifies incomplete, inaccurate, inconsistent and unclear codes, dates and court assignments not in compliance with a variety of laws and procedures; corrects errors or determines appropriate ways to resolve problems.
- Verifies, codes, edits, enters and retrieves legal data from various law enforcement and related systems; compiles data from multiple sources to complete and process legal forms, documents and reports in accordance with established procedures and formats; accesses confidential statewide data files.
- Provides detailed, technical, factual and legal process information to and receives information and a wide variety of documents from the public, attorneys, law enforcement agencies and others; explains departmental and program policies and procedures; explains fees and fines; assists the public in completing forms.
- Prepares correspondence, reports, forms and specialized legal documents related to the functions of the organizational unit to which assigned.
- Performs fiscal support duties, including determining payment amounts and schedules; preparing billings; processing payments, insufficient funds and stale dated checks; and arranging for refunds of deposits, bonds and undertakings.
- Arranges airline, hotel and transportation accommodations for out-of-town subpoenaed witnesses.
- Attends court and takes notes of proceedings.
- Following established procedures and legal guidelines, performs records management, retrieval and retention functions.
- May direct the work of staff on a project or day-to-day basis; may assist in the training of staff.

Minimum Qualifications

Any combination of education and experience that would provide the knowledge and skills listed. Typically, equivalent to graduation from high school and two years of experience in providing office support in a court, criminal justice, investigative or legal office setting.

Special Sub-class Recruitments

Recruitments for positions in this class may be conducted according to the program or department in which a vacancy exists and the special certificates, licenses and/or experience requirements of the position.

Recruitment for these positions may be conducted to include bilingual ability according to the needs of the department.

Knowledge Of

- Complex and technical legal office and criminal justice system terminology, forms, documents and procedures.
- Policies and procedures related to the department and specific function to which assigned.
- Specified computer applications involving word processing, data entry, data base access and standard report generation.
- Business arithmetic.
- Standard office practices and procedures, including filing and the operation of standard office equipment.
- Business letter writing and the standard format for typed materials.
- Record keeping principles and practices.
- Correct business English, including spelling, grammar and punctuation.
- Techniques for dealing with the public, in person and over the telephone.

Ability To

- Interpret, apply and explain technical and complex laws, codes, rules, processes and procedures.
- Independently carry through complex legal support processes from beginning to end.
- Resolve varied problems within applicable codes and procedures.
- Read, understand and review for accuracy technical and complex legal and court documents and extract relevant information.
- Accept and account for money received and make accurate arithmetic calculations.
- Compose correspondence or documents independently or from brief instructions.
- Deal successfully with the public, in person and over the telephone, occasionally where relations may be confrontational or strained.
- Establish and maintain effective working relationships with those encountered during performance of duties.

Special Requirements

Specified positions require clearance in a Sheriff's background investigation in order to access the Criminal Justice Information (CJIS) and other law enforcement automated information systems. Positions assigned to the Sheriff's department require working without immediate availability of other legal office support staff as well as working off-hour, weekend and holiday shifts.

The physical demands and working conditions described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

Physical Demands

Mobility to use standard office equipment, strength to lift files weighing up to 25 pounds, vision to read printed materials and a computer screen, and hearing and speech to communicate in person or over the telephone or two-way radio.

Working Conditions

Work is conducted in a typical office or courtroom setting with moderate noise. Incumbents may be required to work off-hour, weekend and holiday shifts.

Positions assigned to the Sheriff's department require working independently without immediate availability of other legal office support staff.

Positions assigned to the jail medical support function, under the direction of the Health and Human Services Department, work in a locked detention facility.

ADA Compliance

The County will make reasonable accommodation of the known physical or mental limitations of a qualified applicant with a disability upon request.

Classification History

Class Code: 1417

Date Established: 10/19/1997 12:00:00 AM

Revised: Previously Revised: 6/9/02

Revised: 2/15

* * * Communicat on Result Report (Apr. 7. 2015 3:30PM) * * *

1}

te/Time: Apr. 7. 2015 3:24PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0629	Memory TX	[REDACTED]	P. 16	OK	

Reason for error
 1) Hang up or line fail
 2) No answer
 3) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection
 E. 6) Destination does not support IP-Fax



ROBERT T. DOYLE
 Sheriff - Coroner
 MICHAEL J. RIDGWAY
 Undersheriff

MARIN COUNTY SHERIFF'S OFFICE

1600 Los Gatos Drive, Suite 200, San Rafael, CA 94903

April 7th, 2015

SENT VIA FACSIMILE [REDACTED]

Reference: Kubota Termination Appeal

Dear Mr. [REDACTED]

In keeping with the Personnel Commission's decision of Friday April 3, 2015, I wish to inform you the Sheriff's Office has three current openings in the following classifications: Legal Process Specialist, Office Assistant III, and Technology Systems Specialist II.

In order to determine which job(s) we will offer Mr. Kubota, we must first assess whether he meets the minimum qualifications for each classification. As such, I have attached the class descriptions for your review.

The Personnel Commission directed that the County bring Mr. Kubota back into a County position beginning the second pay period in April. That pay period begins April 12, 2015. Therefore, in order to comply with the Commission's ruling, please review the attached class descriptions and submit a statement to me describing if and how Mr. Kubota meets the minimum qualifications for the three classifications listed above.

This submission must be made no later than noon on Friday, April 10, 2015. Upon receipt of your submission, I will ask the County's Human Resources Department to determine if Mr. Kubota meets the minimum qualifications and then I will offer him the position(s) he is qualified for.

If you are unable to respond by noon on Friday, April 10, 2015, the next available employment start date, which must coincide to the beginning of a

AREA CODE 415

24 HOUR NUMBER
479-2311FAX
473-4326ADMINISTRATION
473-7250CIVIL
473-7262COMMUNICATION
SERVICES
473-7243CORRECTOR
473-6243GUARDS
473-7393EMERGENCY
SERVICES
473-6364INVESTIGATIONS
473-7263JAIL
473-6633MAJOR CRIMES
TASK FORCE
854-4878PATROL
473-7233RECORDS
473-7284WARRANTS
473-7297

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[REDACTED]
[REDACTED]
From: [REDACTED]
Sent: Friday, April 10, 2015 10:39 AM
To: [REDACTED]
Cc: [REDACTED] Sheriff Robert Doyle
Subject: RE: Kubota

Thanks for the confirmation. We will extend the deadline for Mr. Kubota to provide evidence he meets the minimum job qualifications for one or more of the available positions we described for you earlier this week from noon today to noon on Friday, April 24th, 2015.

From: [REDACTED]
Sent: Thursday, April 09, 2015 7:43 PM
To: [REDACTED]
Cc: [REDACTED] Sheriff Robert Doyle
Subject: Re: Kubota

I did confer with him and yes, Mr. Kubota would like to exercise the time extension.

Thanks again,
[REDACTED]

Sent from my iPhone

Apr 9, 2015, at 7:25 PM, [REDACTED] wrote:

I don't mean to seem obtuse, but for the sake of maintaining an accurate record, are you in fact exercising the offered timeline extension, or do you still need to confer with Mr. Kubota about that?

[REDACTED]
On Apr 9, 2015, at 16:24, [REDACTED] wrote:

Thank you for your response. I am grateful for your flexibility regarding the timeline. I will confer with Mr. Kubota and respond to you.

To be clear: the issue of back pay is at this point undecided. If you can point to a specific representation by the Commission on that issue, please do let me know.

Thank you again,
[REDACTED]

From: [REDACTED]
Sent: Thursday, April 09, 2015 3:29 PM
To: [REDACTED]
Cc: [REDACTED] Sheriff Robert Doyle
Subject: RE: Kubota

Ms [REDACTED]

We're happy to provide the additional time you requested for Mr. Kubota to demonstrate his ability to meet the minimum qualifications for the three positions we currently have open and available to him. As the Sheriff explained in his April 7th letter, the only consequence to providing that additional time is that we will not be able to meet the Personnel Commission's order to re-instate Mr. Kubota to a non-sworn position by the start of the second pay period in April, which begins on Sunday, April 12th. That said, if Mr. Kubota provides his qualifications and the Human Resources Department confirms his suitability for any of the three offered positions by noon on Friday, April 24th, we can then reinstate him by the beginning of the next available pay period, which begins on Sunday, April 26th.

As to your suggestion that Mr. Kubota be placed on administrative leave at a bottom step deputy pay grade until you receive clarity/guidance with regard to the Commission's finding as it relates to the 830.1 caveat, I don't believe there was sufficient ambiguity in their order to warrant that kind of consideration. The Commission was quite clear in their ruling; Mr. Kubota was to be re-instated, without back pay, and then demoted to fill an available non-sworn position for which he met the minimum posted job qualifications. We are fully prepared to carry that order out, subject of course to Mr. Kubota demonstrating his ability to meet the minimum job qualifications provided with the Sheriff's April 7th letter.

Regardless of your decision, would you please confirm your intent prior to the noon deadline tomorrow so the Sheriff's Office can respond accordingly?

I look forward to hearing from you.

From: [REDACTED]
Sent: Thursday, April 09, 2015 2:55 PM
To: Sheriff Robert Doyle; [REDACTED]
Subject: Kubota

Sheriff Doyle and Undersheriff [REDACTED]

Mr. Kubota is requesting more time for a position selection given the limited number of positions offered at this point. Perhaps Mr. Kubota can be placed on administrative leave at a bottom step deputy pay grade until we receive some clarity/guidance with regard to the Commission's findings as it relates to the 830.1 caveat. Alternatively, is there a modified duty position in the Sheriff's Office that Mr. Kubota could fill; I think that sort of placement is likely what the Commission was contemplating when they made their ruling?

Please let me know your thoughts.

Thank you,

[REDACTED]

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Thank you.

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[REDACTED]

THIS NEEDS TO GO INTO
SECTION 7 OF SI 2013-10

[REDACTED]
[REDACTED]
From: [REDACTED]
Sent: Friday, April 24, 2015 2:30 PM
To: [REDACTED]
Cc: [REDACTED] Sheriff Robert Doyle; [REDACTED]
Subject: RE: Evan Kubota

[REDACTED]
The Human Resources Department has reviewed the qualifications submitted by Mr. Kubota On April 23rd and determined he does in fact meet the minimum qualifications for the Legal Process Specialist position. We are prepared to offer that position to Mr. Kubota, as per the Personnel Commissions order, although the start date is of course delayed by two weeks because of Ms. [REDACTED] April 9th request to provide that additional time in order for her client to decide whether or not to seek re-employment.

Should Mr. Kubota choose to accept our offer, he is to report to Lt. [REDACTED] in the Professional Standards Unit at 0900 hrs. on Monday, April 27th, for in-processing.

Please let me know Mr. Kubota's intentions at your earliest convenience so that we may properly prepare.

Thank you.

From: [REDACTED]
Sent: Thursday, April 23, 2015 6:34 PM
To: [REDACTED]
Cc: [REDACTED] Sheriff Robert Doyle
Subject: Re: Evan Kubota

[REDACTED]
I will forward the qualifications Mr. Kubota has submitted to our Human Resources Department first thing tomorrow morning. Once they advise me which of the 3 open positions he qualifies for, I will advise you and and Julia which one the Sheriff intends to offer to him.

[REDACTED]
On Apr 23, 2015, at 6:03 PM, [REDACTED] wrote:

Please find the following response from Evan Kubota to your inquiry regarding his qualifications for the position of *legal process specialist*, the position Mr. Kubota feels most qualified for considering his work experience and skills. If you have any questions or require additional information, please do not hesitate to contact me.

Best regards,



"To whom it may concern,

I have reviewed the minimum job requirements for the position of legal process specialist. Based on my listed experience, I believe I meet each of the criteria for the position. I have listed the requirements in the job description in italics followed by a brief explanation of how my previous experience, employment or education satisfy the requirements.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Based on my previous employment in both the public and private sectors, my practical experience in a variety of fields and my educational background, I believe that I meet or exceed all of the requirements for the position of legal process specialist.

Respectfully,

Evan Kubota"

From: [REDACTED]
Sent: Thursday, April 23, 2015 3:29 PM
To: [REDACTED]
Subject: Fwd: Kubota

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: April 23, 2015 at 3:27:04 PM PDT
To: [REDACTED]
Cc: [REDACTED] Sheriff Robert Doyle
Subject: RE: Kubota

I just wanted to remind you the deadline for Mr. Kubota to submit proof of his ability to meet the minimum qualification for the previously offered positions is noon tomorrow, Friday, April 24th, 2015.

I'll look forward to hearing from you.

From: [REDACTED]
Sent: Thursday, April 09, 2015 7:43 PM
To: [REDACTED]
Cc: [REDACTED] Sheriff Robert Doyle
Subject: Re: Kubota

I did confer with him and yes, Mr. Kubota would like to exercise the time extension.

Thanks again,
[REDACTED]

Sent from my iPhone

On Apr 9, 2015, at 7:25 PM, [REDACTED] wrote:

I don't mean to seem obtuse, but for the sake of maintaining an accurate record, are you in fact exercising the offered timeline extension, or do you still need to confer with Mr. Kubota about that?

[REDACTED]

On Apr 9, 2015, at 16:24, Julia Fox <[REDACTED]> wrote:

Thank you for your response. I am grateful for your flexibility regarding the timeline. I will confer with Mr. Kubota and respond to you.

To be clear: the issue of back pay is at this point undecided. If you can point to a specific representation by the Commission on that issue, please do let me know.

Thank you again,
[REDACTED]

From: [REDACTED]
[\[mailto:\[REDACTED\]\]](#)
Sent: Thursday, April 09, 2015 3:29 PM
To: [REDACTED]
Cc: [REDACTED] Sheriff Robert Doyle
Subject: RE: Kubota

Ms. [REDACTED]

We're happy to provide the additional time you requested for Mr. Kubota to demonstrate his ability to meet the minimum qualifications for the three positions we currently have open and available to him. As the Sheriff explained in his April 7th letter, the only consequence to providing that additional time is that we will not be able to meet the Personnel Commission's order to re-instate Mr. Kubota to a non-sworn position by the start of the second pay period in April, which begins on Sunday, April 12th. That said, if Mr. Kubota provides his qualifications and the Human Resources Department confirms his suitability for any of the three offered positions by noon on Friday, April 24th, we can then reinstate him by the beginning of the next available pay period, which begins on Sunday, April 26th.

As to your suggestion that Mr. Kubota be placed on administrative leave at a bottom step deputy pay grade until you receive clarity/guidance with regard to the Commission's finding as it relates to the 830.1 caveat, I don't believe there was sufficient ambiguity in their order to warrant that kind of consideration. The Commission was quite clear in their ruling; Mr. Kubota was to be re-instated, without back pay, and then demoted to fill an available non-sworn position for which he met the minimum posted job qualifications. We are fully prepared to carry that order out, subject of course to Mr. Kubota demonstrating his

ability to meet the minimum job qualifications provided with the Sheriff's April 7th letter.

Regardless of your decision, would you please confirm your intent prior to the noon deadline tomorrow so the Sheriff's Office can respond accordingly?

I look forward to hearing from you.

From: [REDACTED]
Sent: Thursday, April 09, 2015 2:55 PM
To: Sheriff Robert Doyle; [REDACTED]
Subject: Kubota

Sheriff Doyle and Undersheriff [REDACTED]

Mr. Kubota is requesting more time for a position selection given the limited number of positions offered at this point. Perhaps Mr. Kubota can be placed on administrative leave at a bottom step deputy pay grade until we receive some clarity/guidance with regard to the Commission's findings as it relates to the 830.1 caveat. Alternatively, is there a modified duty position in the Sheriff's Office that Mr. Kubota could fill; I think that sort of placement is likely what the Commission was contemplating when they made their ruling? Please let me know your thoughts.

Thank you,

[REDACTED]

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